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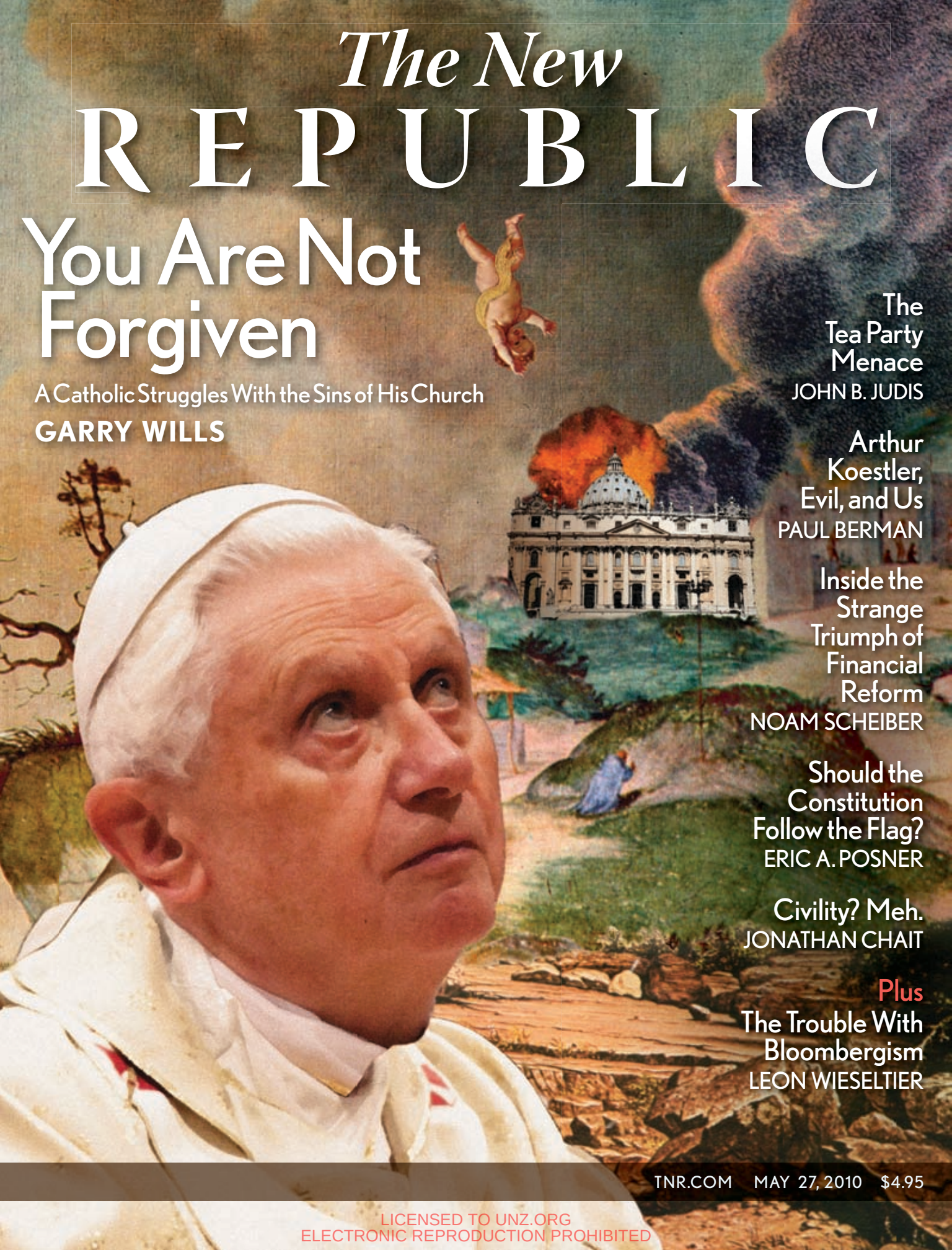

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THE NEW REPUBLIC

A Journal of Politics and the Arts

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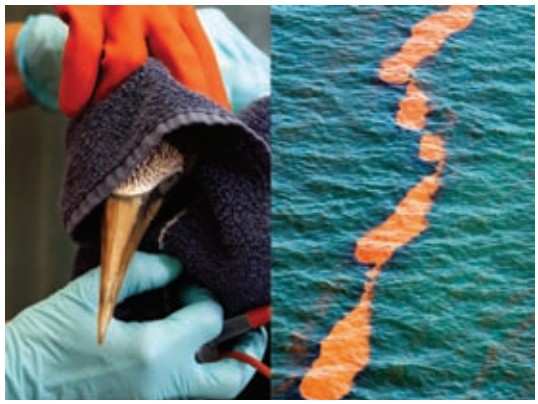
Spillover

In late April, when a deadly explosion sank the *Deepwater Horizon* oil rig 50 miles off the coast of Louisiana, few thought the incident could turn into one of the worst environmental disasters in U.S. history. But that's exactly what is now happening. The underwater well is gushing more than 5,000 barrels of crude each day into the Gulf of Mexico, and it's unclear how long it will take to plug the leak. As the oil slick creeps toward the coast, it could inflict billions of dollars in damage on the local fishing and tourism industries, while putting various wildlife refuges at risk. All of a sudden, Congress is perking up. If ever we needed a reminder that our oil dependence comes at a steep cost, this is it.

But, as horrific as the Gulf mess is, it's worth noting that massive oil slicks are hardly the only downside to our addiction to fossil fuels. There are also the billions in petrodollars being sent overseas to hostile countries, the noxious air pollution, and the gruesome mountaintop mining in Appalachia. Plus, of course, all the carbon dioxide we're emitting from burning coal, gas, and oil is putting the planet on track for a climate catastrophe that will easily dwarf the Gulf spill. Yes, the rig explosion deserves a full investigation, but the broader issue demands more than just fines for oil companies and tightened safety rules.



Earlier this year, it looked like the Senate might actually start addressing the country's larger energy challenges. John Kerry had been working with Joe Lieberman and Republican Lindsey Graham to craft a bill that would cap greenhouse-gas emissions and invest in cleaner energy sources. The bill, to be sure, is very far from perfect. For one, it would expand offshore oil drilling—a move intended to lure Republican and Democratic swing votes, but which now looks awfully unpalatable. And the bill's goal of reducing emissions 17 percent by 2020 is not nearly ambitious enough. Analyses from groups like McKinsey have shown that we could easily meet that target just by investing in simple energy-efficiency measures. Moreover, the legislation's rumored mandates for renewable-energy production would barely improve on what would happen if Congress did nothing at all.

Still, even a middling bill may be better than inaction, if only because it would put a framework in place for cutting emissions and shifting away from carbon-based energy. Historically, landmark environmental bills have often started out flimsy, only to be improved over time. That was certainly true of the Clean Air Act, which was less stringent when first passed in 1963 than it would eventually become.

But petty congressional squabbles have now threatened to block even this mild bit of progress. It started last month, when Senate Majority Leader Harry Reid surprised everyone by saying that immigration would be the next item on the legislative agenda, rather than energy. Graham, understandably, was furious. He had been working on climate legislation for months and incurring the wrath of conservatives in South Carolina for his troubles. And an immigration bill, while important, is unlikely to go anywhere this year; Reid, facing a tight election, seemed to be raising the issue mainly to rally Latino voters in his home state of Nevada. Now, as a result, the climate bill may have lost its conservative champion.

Missing from this dustup has been leadership from the White House. While various administration officials have been heard uttering words of support for the climate bill, President Obama has yet to come out fully in favor of tackling energy as his next big priority. Nor has he used the Gulf oil spill as an opportunity to explain the urgent necessity of moving toward cleaner forms of energy. And he stood passively by while Reid pushed immigration forward.

At first glance, the Democrats' political logic seems alluring. After all, even with Graham's support, any climate-change bill will have a tough time attracting 60 votes in the Senate. And a climate bill is less likely than a noisy immigration push to improve the Democrats' prospects for the midterms. But those considerations are hardly decisive. Congress has already made far more progress on the climate front than on immigration: The House has passed its own bill, while Kerry, Graham, and Lieberman have made headway in assembling a business coalition behind carbon legislation. (Before the Graham-Reid flap, the electric utility industry was preparing to endorse the trio's climate bill, as were three major oil companies.) What's more, political fundamentals suggest that Democrats will sustain heavy losses in the midterms no matter what they do—which means they may as well use their majorities to pass vital legislation while they still have them.

Just as the Wall Street meltdown of 2008 showed the need for financial reform, the Gulf oil spill provides a vivid demonstration of the toll exacted by our dependence on fossil fuels. Obama and the Democrats should take this opportunity to remind voters that doing nothing and waiting for disaster to strike is by far the most costly option. ◆

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A Non-Fighting Faith

Where Obama should shove his plea for civility.

JONATHAN CHAIT

When Barack Obama first appeared on the national scene, he set himself apart with his demonstrated willingness to intellectually engage his opponents. "I will listen to you, especially when we disagree," he promised. This has been Obama's hallmark at the *Harvard Law Review*, in the Illinois statehouse, and as president, where he's dined with conservative pundits and held unprecedented free-form wonkfests with the Republican opposition.

In his commencement address last weekend at the University of Michigan, Obama called for "civility" in public life. Civility sounds like another word for that same principle. In fact, it's something different—at best, a mushy concept, and, at worst, a pernicious one.

The embrace of "civility" is not so much a diagnosis of the problems of public discourse as a reflection of them. The two parties present themselves as upholding the highest standards of discourse while furiously casting their opponents as nasty brutes. U.S. politics is coming to resemble a European soccer game, or perhaps a Duke intra-squad basketball scrimmage—each side more concerned with feigning a foul at the hand of the opponent than scoring points of their own. Washington has become a city of floppers.

Obama began his speech by quoting a letter from a kindergartner, who asked, "Are people being nice?" Sadly, the president continued, they are not. "We've got politicians calling each other all sorts of unflattering names," lamented Obama. "Pundits and talking heads shout at each other."

Obama singled out Fox News. But, of course, the problem with Fox is not that it features pundits who shout at each other. The problem is that it's a propaganda organ masquerading as a news outlet. The pundits on Fox don't shout at each other, they bask in mutual agreement. When shouting does occur, it's usually a one-sided affair in which some hapless liberal is invited on the air to be shouted down. It's appropriate that Obama cites a child in his indictment of Fox News. To chastise Rupert Murdoch's brand of pseudo-journalism for its lack of niceness is literally to embrace childlike reasoning.

Obama proceeded to castigate the political culture for "demonizing" opponents. Then his logic went badly awry:

> Throwing around phrases like "socialists" and "Soviet-style takeover" and "fascist" and "right-wing nut"—that may grab headlines, but it also has the effect of comparing our government, our political opponents, to authoritarian, even murderous regimes.

Is it uncivil to accuse your opponents of being socialist or of planning a "Soviet-style takeover"? Presumably, Obama would have no problem levying such a charge against, say, Lenin in 1917. It's not an *inherently* uncivil accusation. It's appropriateness depends on whether it's actually true.

The notion that Obama is socialist proceeds from a specific right-wing ideological analysis. Certainly, that analysis is crazy. (Oops, I just said something uncivil. Sorry, President Obama.) Socialism is a contested term, but it has two basic meanings. As defined by American Socialists more than a century ago, it meant progressive taxation, public schools, worker-safety laws, and other reforms that have long since attained bipartisan acceptance. In the stricter sense, it means abolition of private property, or, at least, of private industry. By the first definition, both parties are socialist. By the second, neither is. There is no sense in which Obama is "imposing socialism" upon a non-socialist state. But you must establish this by engaging the analysis rather than dismissing it as uncivil.

Obama defended civility as essential to "keep[ing] our democracy healthy." Yet he also acknowledged that American history is replete with vitriol and slander that would make Rush Limbaugh queasy. "A newspaper of the opposing party," Obama recounted in the speech, "once editorialized that, if Thomas Jefferson were elected, 'Murder, robbery, rape, adultery, and incest will be openly taught and practiced.'" If we've lived with "incivility" for 200-plus years, then how can it be a threat to the republic? Answer: It's not, but pretending it is can be a useful device for a president to hold himself above the fray.

Obama may seek to cloak himself in the mantle of victimhood, but Republicans will not cede it to him without a fight. Last week, conservatives suddenly seized themselves of the conviction that Obama is a "bully." CNBC commentator Dennis Kneale laid the charge upon Obama, citing as evidence his criticism of Arizona's draconian immigration law. "The President called the measure 'misguided' and all but labeled it un-American," huffed Kneale. *Misguided*? You go too far, sir! Kneale proceeded to complain, "President Obama maligns Wall Street for trying to have a say in financial reform and lobbying for its interests, though this input is a vital ingredient in any democratic process."

Former Karl Rove deputy Pete Wehner, thrilled by Kneale's conceptual breakthrough, cited it approvingly. A few days later, Rove himself repeated the theme in a *Wall Street Journal* column. ("[T]he practice of summoning critics to bully them in public is unpresidential and worrisome.") This, coming from a man who once waged a judicial election by smearing his candidate's opponent—known for his work on behalf of abused children—as a pedophile.

By the end of the week, *The Weekly Standard* had an editorial, "The Bully Party," parroting the line. A full page of indignant, wounded rhetoric hinged upon this grievance: "President Obama," lamented the *Standard*, "divided the world into those who 'join me,' and those who support the 'battalions of financial industry lobbyists descending on Capitol Hill.'" Pointing out that financial lobbyists were supporting the congressional opposition—the brute!

Why the incessant demands for civility and cries of foul play? Americans hate political conflict. In a 2002 book, political scientists John Hibbing and Elizabeth Theiss-Morse note that Americans fail to understand ideological disagreements between the parties. Voters think everybody should agree and interpret the lack of consensus as a sign of misgovernance.

The parties' constant efforts to claim the rhetorical high ground and to blame the other side for all the nastiness is a pander to the public's childlike belief in unanimity and concord. If they really wanted to raise the level of discourse, they would level with the public about the necessity of argument. ◆

TRB
From Washington

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Off Target

The misguided obsession with smart sanctions.

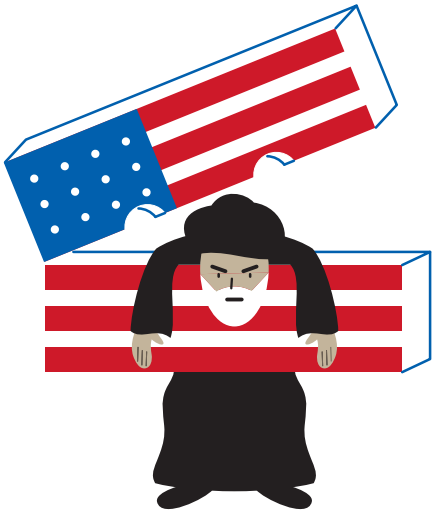
Current U.S. policy toward Iran could be boiled down to a tweet: If you haven't sanctioned the Islamic regime enough in the past, sanction it some more. Congress is in the final stages of passing a law designed to penalize foreign companies doing business in Iran. In February, the Treasury Department expanded the list of Iranian firms subject to financial sanctions. Obama has dispatched envoys to line up support from U.N. Security Council members for yet further strictures.

Whatever sanctions get imposed, rest assured they won't be stupid ones. In recent years, policymakers have grown enamored with "smart sanctions"—measures like asset freezes, financial restrictions, travel bans, and arms embargoes—designed to hurt the targeted regime and its key supporters without imposing the severe hardships on the sanctioned country's mass public that come with a full embargo. Ostensibly, targeted sanctions are the precision-guided munitions of economic statecraft. By squeezing powerful elites, the argument runs, these supporters will eventually pressure the government to change.

With Iran, any multilateral economic sanctions are guaranteed to be of the smart variety, aimed specifically at the Iranian Revolutionary Guard Corps (IRGC)—an elite coterie loyal to President Mahmoud Ahmadinejad that has assumed control over the nation's economic and security apparatus. What's more, Russia and China have stated that new sanctions should only target Iran's ability to develop ballistic missiles or nuclear weapons.

Despite all the current enthusiasm for smart sanctions, we now have a pretty good sense of their efficacy. And, for all their political virtues, they are far from a magic bullet. Unfortunately, there's no sanctions policy that can guarantee that Iran won't get the bomb. But, if sanctions are going to have a chance at success, the evidence suggests they will have to be significantly less smart.

To understand why smart sanctions are in vogue, one has to understand the fallout from the comprehensive U.N. embargo imposed against Iraq after the 1991 Gulf war. Those sanctions were truly crippling. In *Shrewd Sanctions*, Meghan O'Sullivan estimates that Iraq lost between $175 billion and $250 billion in possible oil revenues during the sanctions' first decade. The human cost was staggering. In a widely cited study, Richard Garfield estimated that the sanctions caused "a minimum of 100,000 and a more likely estimate of 227,000 excess deaths among young children from August 1991 through March 1998."



When do sanctions work? When people suffer.

The Iraq embargo created three additional policy headaches. First, Saddam Hussein adroitly shifted culpability for the humanitarian disaster from his intransigent regime to the countries imposing the sanctions. Then-ambassador to the United Nations Madeleine Albright did not help matters in May 1996, when she told Lesley Stahl on "60 Minutes" that "the price is worth it," even if sanctions had killed half a million Iraqi children. Second, the sanctions bred corruption, as evidenced by the U.N.'s oil-for-food scandal. They encouraged black-market activity, fostered transnational smuggling, and empowered organized-crime syndicates. Finally, for all of their costs, sanctions didn't seem to work—at least, that was the perception at the time. Saddam remained firmly entrenched, and his horrors continued apace. (As it turns out, sanctions did accomplish their prime mission: Iraq was denied the ability to develop weapons of mass destruction.)

Interest in alternatives to comprehensive sanctions began to spike. Until the mid-'90s, the general consensus among policymakers on sanctions was simple: The greater the economic costs imposed on the targeted country, the more likely the targeted government would concede. Advocates of smart sanctions suggested a more nuanced approach. Gross economic damage was not what mattered—it was whether the target government and its key domestic constituencies felt significant political and economic pain. Targeted sanctions seemed the perfect policy compromise between Security Council members frustrated by the Iraq episode (Russia, China, and France) and those who wanted to preserve sanctions as a policy tool (the United States and Britain). The name also helped—as one British official told me, "smart sanctions" sounded a lot better than the alternative.

There's just one little problem: It's not at all clear that smart sanctions work any better than comprehensive sanctions in forcing a country to alter objectionable policies. Indeed, the best available evidence shows the opposite. Most statistical analyses of sanctions find that the

Stephen Savage

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greater the aggregate economic costs imposed on the target government, the more likely that the sanctions will lead to policy changes. David Cortright and George López, co-editors of *Smart Sanctions*, noted back in 2002 that "the obvious conclusion is that comprehensive sanctions are more effective than targeted or selective measures. Where economic and social impacts have been greatest, political effects have also been most significant." At an International Studies Association panel earlier this year, even academic architects and boosters of the smart sanctions approach like Thomas Biersteker and Peter Wallensteen conceded that, compared to comprehensive sanctions, the policy results had been mixed at best.

Smart sanctions rest on a reasonable theory; so why don't they work better? It is worth remembering that targeted sanctions were designed in response to the perceived failure in Iraq, an extreme outlier case. One implicit assumption behind smart sanctions is that they will be long-lasting—but, historically, most sanctions are imposed for less than a year. Sanctions that are expected to be imposed for a long time should function like a containment strategy; those intended to elicit a policy change ought to be costlier, but quicker.

Another assumption is that a sanctioned population will rally around the flag rather than pressure the recalcitrant regime. But political scientists have found that costly sanctions reduce a government's staying power. If a target government has limited ability or willingness to repress its own people, comprehensive sanctions can mobilize the more apathetic swaths of the citizenry, leading to coups and uprisings. The reason that Saddam Hussein agreed to the oil-for-food program in the first place was because, by the mid-'90s, the sanctions were leading to rising levels of domestic unrest. Press reports indicate that Russia's recent increase of fuel prices in Kyrgyzstan triggered the mass protests that led to regime change there.

Clearly, targeted sanctions have their uses. Smart sanctions can prod modest policy changes like, say, forcing a country to crack down on money laundering. But, when it comes to altering policies vital to national security—like a nuclear program—smart sanctions are pretty much a dud. The most high-profile success is Libya—but that episode also shows the limits of targeted sanctions. A welter of different policy tools forced Libya to alter course, including back-channel negotiations, the Proliferation Security Initiative, and the unspoken threat of invasion after Operation Iraqi Freedom. It was only the combination of these policies—plus the erratic nature of Muammar Qaddafi—that did the trick.

Iran is a tough test for sanctions. After all, financial sanctions have already exacted a toll; one former Iranian official admitted in late 2008 that U.N. sanctions had increased the price of imports anywhere from 10 percent to 30 percent. Or, as Saeed Jalili, Iran's lead negotiator on the nuclear issue, bragged to *Der Spiegel*: "[D]o you really believe there are sanctions that can hit us that hard? We've lived with sanctions for thirty years, and they can't bring a great nation like Iran to its knees. They do not frighten us. Quite the opposite—we welcome new sanctions." While this is bluster, it's true that sanctions have accelerated the IRGC's takeover of key sectors of the economy.

Imposing more comprehensive sanctions would carry obvious risks. With Russian and Chinese opposition to any program including gasoline sanctions, its implementation would be partial at best. The Iranian population might very well rally to the regime, given the evident national pride in the country's nuclear accomplishments. And, if the regime does not budge, the Iranian people will suffer more—and the United States will likely be blamed. Still, the greatest weakness of the regime has been the economy. Despite an unprecedented oil boom, corruption and macroeconomic mismanagement have produced sclerosis. Iran's inflation rate skyrocketed in 2009 and is still over 10 percent. According to *Foreign Policy*'s Failed State Index, the income of Iran's top 20 percent rose more than four times as fast as that of the bottom quintile between 2005–2007. The government is concerned about the popular backlash that will come from its plan to phase out more than $40 billion in consumer subsidies. Iran's regime is succeeding in making itself less dependent on foreign imports of gasoline, but more comprehensive sanctions that encompass the energy sector would raise the price of gasoline. Iran's current regime is not as vulnerable as Kyrgyzstan's, but higher consumer prices would test its hold on the country. For all of the regime's radical

CORRESPONDENCE

Human Rights Watch Responds

There is broad consensus on the board of Human Rights Watch (HRW) in support of its Middle East work in general and its Israel-Palestine work in particular, contrary to the suggestion of "a civil war" over Israel ("Minority Report," May 13). As the co-chair of HRW's advisory committee on the Middle East and North Africa and a longtime (now emerita) member of the board, I have been a part of virtually all conversations about our work in the region in the last 20 years. I spoke to your reporter for over an hour in late March and made clear to him that I was present for the conversations he described and that his thesis of acrimonious division was wrong. Other board members told him the same, but our views are not reflected in his piece.

I am a Jew, a Zionist, and a full-throated supporter of the work of Human Rights Watch. The state of Israel that I love (in fact, I write these words from Tel Aviv) will thrive and be well if it conducts itself according to its own high principles and according to the human rights and humanitarian rules that Human Rights Watch seeks to promote.

There is no bias against Israel at Human Rights Watch except in the minds of those who erroneously believe Israel is harmed by honest criticism. Far from harming it, I believe this work strengthens Israel.

Thanks for referring to Human Rights Watch as the gold standard in human rights reporting. You may view our extensive research on most of the other countries and entities in the region, such as Hamas, Hezbollah, Iran, Syria, Libya, and Saudi Arabia, by checking our website (www.hrw.org).

Kathleen Peratis
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rhetoric, its governing philosophy is ruthlessly pragmatic—survival über alles. If powerful sanctions threaten its grip on power, it will make concessions.

There's a reason that Defense Secretary Robert Gates wrote a memo in January calling for additional policy options—he is skeptical that smart sanctions alone will accomplish anything. In response, Obama administration officials have signaled that they see the newest round of smart sanctions creating what *The Washington Post*'s David Ignatius labeled a "sticky trap" for the leadership—that these measures are a way station on the road toward broader, more restrictive sanctions. The idea is that, as Iran tries to create new ways around the existing sanctions regime, the United States and United Nations will simply add firms to the sanctions blacklist, expanding the scope of the measures. As Ignatius characterized it, "the harder the Iranians try to wriggle out of the sanctions, the more tightly they will be caught in the snare." If this is indeed the policy, then it is an implicit concession that smart sanctions weren't such a brilliant idea after all.

DANIEL W. DREZNER

Daniel W. Drezner is a professor of international politics at Tufts University's Fletcher School of Law and Diplomacy. He is the author of THE SANCTIONS PARADOX: ECONOMIC STATECRAFT AND INTERNATIONAL RELATIONS.

Specter of Defeat

Is the Senate's most shameless hack unbeatable?

JUST OVER a year ago, Democratic Congressman Joe Sestak was seriously weighing a Senate bid in Pennsylvania against then-Republican Arlen Specter, but he wanted one last word of sage advice. So he called up his former boss, Bill Clinton, for whom he'd served as director for defense policy on the National Security Council, and, according to Sestak, "he invited me over to sit down with him over at his home in Georgetown." But the meeting didn't go exactly as planned. "Just as I walked in," Sestak says, "an aide came up and said, 'Did you hear? Specter just announced he's going to become a Democrat.'" After the initial shock, Sestak took a seat. "We talked about it and said, 'Well, now we're going to have to rethink this.'"

A rising star in his party who ousted a ten-term Republican in the moderate suburbs of Philadelphia in 2006—and then won reelection by nearly 20 points—Sestak had been courted to run for months by Senator Robert Menendez, head of the Democratic Senatorial Campaign Committee. "Senator Reid asks me all the time, once a week, 'Are you recruiting him for Pennsylvania?'" Sestak recalls Menendez telling him. Suddenly, with Specter's decision to switch parties, all such blandishments vanished.

But Sestak, a former three-star Navy admiral with a frightening work ethic—as a congressman, he has wowed his colleagues and constituents by running his office like a nuclear submarine, keeping it open seven days a week—wasn't quite ready to give up. He thought he could win the seat without the party's blessing; and it was easy to see why. "On paper, Specter seems to have many liabilities in terms of running in a Democratic primary," notes Chris Borick, a political science professor at Muhlenberg College. Whether it was his grilling of Anita Hill in 1991 or his vote for the Iraq war or his long-standing support of a flat tax, Specter had given liberals a lifetime of reasons to oppose him. In fact, within a week of Specter's switch, an outraged amalgamation of progressive groups and blogs had banded together to conduct an online straw poll asking whether Sestak should run against Specter. The response was overwhelmingly positive, and, in early August, Sestak officially declared his candidacy.

But the endorsements and the funds never poured in, and Sestak has spent much of the campaign trailing by double digits. Now, with two weeks to go before the May 18 primary, polls show him pulling to within single digits. If he wins—and, with Sestak's name recognition bound to rise as the election draws near, this is still a distinct possibility—it will be an impressive political comeback. If, on the other hand, he falls short, it will be an object lesson in just how easy it is to go from being a hot Democratic recruit to being political roadkill—through no real fault of one's own.

Joe Sestak's challenge to Arlen Specter is a tale full of pathos.

FROM THE START, Sestak faced problems on multiple fronts. Establishment Democrats, from Obama and Biden to Senator Bob Casey and Governor Ed Rendell, united behind Specter. Rendell predicted that, if Sestak ran, "he would get killed," then quickly fade "into political obscurity."

Labor, too, eventually lined up against Sestak. It was an unfair decision by any standard. Sestak had been an original co-sponsor of the Employee Free Choice Act—which unions were eager to see pass—while Specter, facing the prospect of a hard-right primary challenge, had denounced the legislation on the Senate floor just a month before his party switch. Yet the AFL-CIO, rather than punish Specter for his stance, embraced the newly amenable senator. "He's a very effective negotiator," Bill Samuel, legislative director of the AFL-CIO, told *The Hill*. "He played a very helpful role, as I understand it, in the internal conversations of the Democratic caucus on the Employee Free Choice Act and helped move it forward with a number of moderates." The

DAVID COWLES

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Pennsylvania AFL-CIO officially endorsed Specter in March.

The biggest betrayal, however, came from the group that had seemed to be with Sestak from the start, and that could have provided the money and manpower to help balance out the Democratic machine and the unions: progressives. "The big surprise to me is what happened to the left wing," marvels G. Terry Madonna, a professor of public affairs at Franklin & Marshall College. "Where are they? They've taken a hike." Partly as a result, Specter has trounced Sestak in fundraising, garnering more than twice as much money in the most recent quarter. At a Sestak event I attended in April in Harrisburg—to which the candidate had traveled from Philadelphia in his Prius—he alluded to this aspect of the race. Speaking about his time on the ground in Afghanistan, he said, "We landed . . . with this guy from the CIA who had this suitcase full of millions of dollars, because we were buying loyalty at the time and, uh, I could use that money in my campaign right now." The small crowd of about 20 laughed nervously.

The first signs of a fissure between Sestak and the left came in August, when both candidates attended the progressive blog convention Netroots Nation, held in Pittsburgh. Even on such favorable turf, according to *Salon*, Sestak stuck to tired tropes and failed to make a big impression. "Just call—we try to get back to everyone," he replied when asked how progressives might win more fidelity from elected officials. "I think you're special. I think every American is special." Specter, on the other hand, put on a show. Challenged by bloggers to disabuse Chuck Grassley of his wrongheaded notions about health care legislation, he invited audience members to come backstage to watch him dial his old pal and set the record straight.

Bigger than any showmanship, however, was the fact that Sestak wasn't quite the liberal firebrand that progressive activists traditionally get excited about. Liberals wanted the story of the war hero who opposed the Iraq war. Instead, Sestak decided to go off script and support the surge in Afghanistan in 2009.

In a way, however, whether or not Sestak wins, liberals got exactly what they wanted. Specter, feeling the heat of his primary challenge, didn't just promise to support the Employee Free Choice Act; he cast more than 95 percent of his votes with the Democrats after switching parties and was careful not to look like a holdout over health care. He even outflanked Sestak, opposing the Afghanistan surge. Now, Sestak finds himself in the awkward position of touting big Democratic bills like the stimulus and health care reform—bills that passed, in no small measure, because of Specter's help. Following the appearance in Harrisburg, I went to see Sestak speak in Bethlehem, where, beaming about health care reform, he said, "This is what I went to Congress to do." He quickly caught himself and added, "But there's a lot more we can do." For the second time that day, I heard a crowd laugh nervously.

Jesse Zwick

ANTHONY RUSSO

Merely Mortal

Our dangerous fantasies about medicine.

I STILL REMEMBER him. He was, between gulps of oxygen, a compulsive raconteur. Drawn largely from the Korean war, most of his stories were elaborate jokes that, obliquely, appallingly, reflected on his current situation: Surrounded at Chosin Reservoir, his toes freezing off, "We fought our way out. Know why? Ran out of smokes!" Then he would laugh, going blue before managing to begin, like Scheherazade, another tale. He dreaded being alone.

Except several times a day, when someone would find his oxygen line trailing out of his room into the adjacent stairwell. The light spilling in through the opening door would catch him, carefully alternating puffs on the oxygen with a lit cigarette. "Are you crazy?" I said the first time I found him there. "Do you want to go up in smoke?" "Doc," he husked, taking a last drag as deeply as he could. "Bit late to be. Worrying 'bout that."

It was hard not to admire him. Which was why, one morning, three days before he died, it took me a while to realize he was crying. "Doc," he croaked, as I fiddled with his oxygen valve. "Isn't there. Anything. You can. *Do*?" I was puzzled by this. What did he have in mind?

"Can't you. Get me. *A lung transplant*?" And then, his face crumpled as sobs fought for possession of his airway.

The rest of that day and the next, every time I walked into his room, he asked me the same question. Bringing it up reminded both of us that I'd seen him cry, but he was past caring. After a while, I stopped trying to explain: The long, careful process of selection, the cold logic of the transplant committee. It felt cruel to go on about it. It was clear he wasn't listening: The question had become another kind of story, something to keep me there a little longer.

On the morning he died, as they wheeled his bed out of the room toward the intensive care unit, I realized I wasn't thinking realistically about his chances. I was thinking instead, fantastically, "If only we could get him a lung transplant."

IF OUR LONG, evasive encounter with mortality teaches us anything, it is the power of denial. Harder to understand is what shapes that denial—something I have come to think of as the medical imaginary. We expect medicine to do the impossible. How else do we account for a man who can smoke himself to death and still believe, to the last minute, in the possibility of rescue? This fantasy of medicine's omnipotence takes a variety of forms: wishful, fearful, angry, even vengeful. The power and persistence of such fantasies suggests a source deep in the human psyche, in beliefs mere knowledge cannot shake. Medicine is all about knowledge, but there are things we cannot—or will not—know.

Much of this knowledge we gain, if we ever do, through tragedy. It was such a tragedy that culminated, a few years ago, in a U.S. appeals court decision. A young woman was dying of cancer. Her only hope, her doctors said, was an experimental compound. It was not yet approved for treating cancer; it hadn't been tested for effectiveness, or even completed safety trials. But the patient, judged unfit for enrollment in the trials, was denied the last hope she, and medicine, could imagine. Her survivors, aided by an advocacy group, felt that a wrong had been done to a "young cancer victim who perished because she was not able to access an experimental cancer drug." Seeking to spare others this fate, they sued the Food and Drug Administration, arguing that its procedures violated a right of access to "effective drugs." The court, hearing the case on appeal, held otherwise.

It is impossible, at this distance, to apprehend fully the grief that found expression in that suit, or how the court's opinion must have added to its weight. Yet the substance in question was not an "effective drug"—at the time, there was no evidence of effect at all. And, even though it has since been found "effective," what does that mean? It means that patients receiving it live, on average, 81 days longer than otherwise. The drug does not cure.

Eighty-one days of life can be an enormous gift. To a grieving family, the loss

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of those days is a wound that never heals. But false hope is no gift. It spares no one any grief. It seems to me crueler in the end, an unwitting kind of torture, to draw out hope where there is none. To me, the most important lesson this tragedy can teach is in the margins: that the imaginary found its voice not in the grieving family (why should grief have patience with the law?), but in the medical establishment, which also clutched at hope where there was none. As doctors, we should know better. But, apparently, none of us does.

The medical imaginary magnifies the power of medicine not only to help, but also to harm. Consider a brief notice that appeared recently in *The Lancet*, retracting an article published over a decade earlier. The article described children who started showing signs of autism shortly after immunization against measles, mumps, and rubella. Although the original article flatly denied any claim of causal connection, in the aftermath of its publication, statements by the lead investigator were widely interpreted in the media as suggesting otherwise. Some parents understandably avoided vaccinating their children. Over the following decade, the incidence of measles in England increased by over 2,000 percent, producing one or two preventable deaths each year—a small number, one could say, except such grief knows no scale.

The Lancet withdrew the article, but the fears it stirred went viral long ago. Vaccines have always been controversial: Witness James Gillray's 1802 print (seen below) mocking the rhetoric of "ye anti-vaccine Society." The depiction of the vaccination's grotesque results refers comically to the source (pus from a cowpox blister) of the smallpox vaccine. These images satirize the fears that surrounded this new, untested medical technology, fears that still echo in the nightmares conjured by genetic engineering. But they resonate back in time as well. The framed picture hanging in the background shows the Children of Israel worshipping the Golden Calf. The printmaker's choice of a painting of a cow is anything but casual. But why *this* cow? The picture tells the old tale of impatient mankind forsaking the Law and its Giver for its own profane technologies, a tale in which technology courts disaster. The story gets told again and again because of something we keep forgetting.

In the cultural imagination, disease speaks in ways that medicine, its understanding burdened by facts, struggles to contradict. When Boston physician Zabdiel Boylston offered vaccinations during an early eighteenth-century smallpox epidemic, the town's leading doctor, Edinburgh-trained William Douglass, led a protest that denounced him for "an encroachment on the prerogatives of Jehovah, whose right it is to wound and smite." Interpreted under the ancient laws by which nervous cultures still fence off the human from the animal, injecting a healthy body with cow pus could only be an abomination. The imagination recoiled, as it still does.

And likely always will. Medicine has always drawn its own meaning from the struggle to hold that last vital line, the one separating the quick from the dead. But that struggle leaves medicine contaminated, its meaning drawn from both sides of that line. We know our doctor is not only death's opponent; he will also someday be its herald—and, perhaps, something worse. In Gillray's print, vaccination turns people into monsters. Fed by both hope and fear, our imagination endows medicine with a power over life and death it could never actually possess. Except in the imagination: what none of us, not even doctors, ever entirely escapes.

Medicine has its own nightmares, not least of which is its inadequacy to an impossible task. The most practiced physician eventually succumbs. *Timor mortis conturbat me*: The fear of death unhinges us all.

Which may be why, in our politics, as they apply to medicine, we have been so long paralyzed. The struggle to make health care universally available is over a century old, but what conturbs that struggle is far older. The hand of the imaginary in politics is unusually strong: There are no prices to be paid, no promise too extravagant, no conspiracy too unlikely—and legislation is always subject to interpretation. If we ever reach a day when we are no longer fighting over how to pay for medical care, the battle will shift to what we should pay for: cloning, genetic remodeling, pharmaceutical alterations of personality. The list is as inexhaustible as our capacity to see in medicine the embodiment of our darkest fears—or merely the solution to our mortal state.

Before this prospect, we will always stand in the grip of the imaginary, like that one patient as he still haunts my memory: Gasping for breath, he holds up his cigarette, bright in the cloud of oxygen sustaining them both, and wishes fire would burn and not consume.

Terrence Holt

James Gillray's 1802 print mocks "ye anti-vaccine Society."

JAMES GILLRAY/CORBIS

Terrence Holt practices medicine and teaches at the University of North Carolina-Chapel Hill. Information that could identify patients described in this essay has been altered to protect their privacy. Any resemblance with actual individuals, living or dead, is accidental.

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Beating the Street

How Team Obama outplayed the lords of finance.

NOAM SCHEIBER

Shortly after nine on a Monday morning in late April, Commodity Futures Trading Commission (CFTC) Chairman Gary Gensler filed into a meeting room with nine senior aides. The aesthetic was what you might call "bureaucratic drab"—fluorescent lights, beige carpeting, American flag—and the mostly middle-aged men did not seem out of place. Their suits ranged from gray to charcoal and the complexions were varying degrees of pasty. Many wore looks of mild disbelief, as though at a loss to explain their presence so soon after going to bed.

The CFTC is the federal regulator whose primary responsibility is to oversee derivatives, essentially bets on movements in financial data like bond prices and interest rates. In the past decade, much of the derivatives market has grown up outside the government's reach, which helps explain how AIG massively overdosed on them. At the time of the April meeting, Congress was on the verge of enacting a package of derivatives regulations, and Gensler had gathered his team to figure out where the late-inning negotiations had left them.

Gensler, who is short and lean with eyes like a Pokémon character, promptly slouched in his chair at the head of a conference table and eased off his loafers. "Let's do the side-by-side," he said. "What I'd like to do is, as fast as humanly possible, tell me where we think the merged bill is."

Everyone in the room now considered a 19-page document listing 38 provisions related to derivatives. For each provision, the document summarized where the Senate bill stood, indicating where Gensler could breathe easy and where he should keep pressing. "Foreign exchange?" Gensler asked. "I'm putting Senate Ag and a check mark—we're fine." "Swap dealers?" he continued, "We're fine." "Set-aside segregation requirements. . . . This is, like, huge. We like this, right?" As the team worked through the list, it became clear that the bill had, if anything, become stronger. Even the occasional question mark seemed to work out for the best. "Do we have the Eddie Murphy provision?" Gensler wondered, alluding to a statute he'd named after the star of the 1980s Wall Street comedy, *Trading Places*. "Insider trading—that's the Eddie Murphy—that stayed in," he confirmed.

Basic political science tells us that, when Congress targets a complex industry with billions of dollars at stake, the legislation should weaken as it moves toward passage. The industry will plead its case with vehemence, while voters will be oblivious to the importance of subtle changes. "Words on the page are not that critical to the public," one derivatives industry lawyer told me in March, conveying a general truism. But something unforeseen is happening as Congress wraps up its overhaul of Wall Street: Key elements of the bill are getting tougher—in some cases markedly so. And no subplot illustrates this dynamic more vividly than the one starring Gary Gensler.

Gensler's unlikely derivatives crusade began only hours after Obama named him to head the CFTC. That's when incoming White House chief of staff Rahm Emanuel informed him that Minnesota's Collin Peterson, chairman of the House committee that oversees the agency, was preparing a statement opposing the nomination. The 51-year-old Gensler was a former partner at Goldman Sachs, and Peterson was wary of his Wall Street ties.

Gensler promptly called Peterson at home and persuaded him to holster his statement, but he was hardly in the clear. Washington Senator Maria Cantwell worried that Gensler would be soft on derivatives. Vermont's Bernie Sanders was skeptical of Gensler's tour under Treasury Secretary Robert Rubin. The two senators would eventually block his nomination, demanding assurances that he and his Obama colleagues planned to rein in the financial markets.

The suspicions weren't necessarily unfair. In 2000, the Clintonites had joined forces with Republicans to exempt so-called over-the-counter derivatives from regulation, and Gensler had played a supporting role in the effort. But his Treasury experience had also made him appreciate the chaos that derivatives could wreak. In 1998, Rubin had dispatched him to inspect the books at Long-Term Capital Management (LTCM), a hedge fund on the verge of collapse. Gensler was startled to learn that LTCM's derivatives portfolio had tied it to so many firms that its failure could threaten the financial system.

And so, when Treasury Secretary-designate Timothy Geithner, Gensler's fellow under secretary during the Clinton years, pitched him on the CFTC job, the chance to reform the derivatives market held real appeal. As Gensler would testify last February, he believed the Clintonites hadn't done enough to protect the public. "There's not a day that goes by that I don't think what we might have done differently," Gensler told me at the time.

Cantwell finally relented on Gensler's appointment in May 2009, after Geithner sent a letter to Congress committing to a hawkish regulatory scheme. Among other things, he favored requiring most derivatives to be "cleared"—meaning the two sides of each deal would place their bets through a middleman, to which they'd have to post collateral. (That wasn't the case with AIG, which is why its housing-market losses could have brought down the banks it had bet with.)

By early summer, though, the Wall Street skeptics had reason to worry again. The big banks that trade derivatives had mobilized hundreds of sympathetic customers—the industrial companies that use derivatives to lock in prices of inputs like oil and steel—rather than do the brunt of the lobbying themselves. The "end users" flocked to Capitol Hill to complain that the new regulations would raise their costs. Moderate Democrats on Barney Frank's House Financial Services Committee took up their cause, agitating for an exemption so wide it would even include hedge funds.

The administration now had a choice: It could accept a wider exemption than it supported in principle, so as to improve the bill's prospects in the House. Or it could hold firm and risk failure. Treasury opted for the weaker bill when it sent legislation to the Hill on August 11. "The House committee was where it was," says one Treasury official. "We were not keen to draft something up that wouldn't have worked." Gensler, for

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his part, still favored the harder-line approach and told Geithner as much behind closed doors.

This much was hardly unexpected, as Geithner had solicited the views of regulators like Gensler. It's what came next that raised eyebrows. One week after Treasury unveiled its legislation, Gensler outlined his reservations in a public letter to Congress. It was a step Gensler had indicated he might take, but the follow-through caught Treasury off guard. "It's possible he felt he'd given us a sense of it . . . but it didn't penetrate the consciousness," says the Treasury official. "We were definitely surprised when we read it, that I can say for sure."

Whatever the case, Gensler's zeal served as a counterweight to the natural rightward drift on the Hill. Every week, he seemed to appear before another industry group insisting that no financial company should escape the new regulations. When Frank put out a discussion draft that weakened the bill further, Gensler promptly testified that the proposal "could have the unintended consequence of exempting a broad range of entities," even big financial institutions. "He's turned a rinky-dink commission into the most powerful agency in the federal government when it comes to derivatives," one industry lobbyist told me. A key upshot was to galvanize a coalition of labor unions and activists who, in meetings with Frank and his staff, stressed that derivatives could cost Democratic seats if they didn't clamp down.

By the time the House passed its financial-reform bill last December, the derivatives provision was far from ideal—the new regulations appeared to exempt most hedge funds and insurance companies. But it was somewhat stronger than many would have predicted. Still, no one had any illusions about the endgame. It's an article of faith on Capitol Hill these days that legislation from the House, where the leadership can exert near-ironclad control over the rank and file, will be more progressive than what passes the Senate, where moderates can cut their own deals and Republicans can thwart action with a mere 41 votes.

To anyone who was looking, the first sign that the usual logic might not apply came in late fall. As it prepared to weigh in with the Senate, Treasury noticed that the climate on derivatives was shifting—that the opposition from Wall Street and its industry allies was being matched by a reformist passion on the center-left. And so, whereas tactical considerations had once dictated trimming the bill's ambition, Treasury now worked to beef it up.

At first, the administration's new tack had little discernible effect. For months, Chris Dodd, chairman of the Senate Banking Committee, led a bipartisan negotiation aimed at building a hefty majority on the Senate floor, the result of which, many feared, would be a porous bill. But, in late March, Democrats high off their health care victory became frustrated with GOP obstructionism and abruptly scheduled a vote. After a mere 21 minutes, all 13 Democrats on the Banking Committee supported the measure, which reflected the administration's tougher approach to derivatives.

The derivatives industry wrongly assumed it could buy time and quietly weaken the bill.

Most lobbyists continued to believe the derivatives piece of Dodd's bill would disappear once Senate Agriculture Committee Chairman Blanche Lincoln negotiated a compromise with her Republican counterpart, Saxby Chambliss. (The Agriculture Committee shares jurisdiction over derivatives.) What the industry hadn't realized was that, as the White House pivoted to financial reform, derivatives were rocketing up its priority list. One reason was strategic: The White House began to recognize that derivatives might be more hospitable terrain than, say, the too-big-to-fail problem, the solution to which Republicans dishonestly dubbed a "permanent bailout." "Rahm's view is: 'I like the derivatives issue,'" says one administration official. "'We're on better ground on that than talking about bailouts. If they talk bailouts, we talk derivatives.'"

Unbeknownst to Wall Street, the new White House focus had transformed the Dodd bill from a legislative ideal—worth striving for but unlikely to pass intact—to a minimally acceptable standard. Two weeks later, when Lincoln's staff began circulating the outlines of a bipartisan compromise, Treasury's response was unequivocal: The administration couldn't support the deal because it was a retreat from Dodd's position.

That left Lincoln with a problem. Her plan had been to attract enough Republicans to offset defections by a handful of liberals on her committee. Now it turned out that a bill forceful enough to win Obama's imprimatur would almost certainly cost her those Republican votes, meaning she'd need to keep the Democrats united. Lincoln accomplished this by outflanking the administration on the left. The result was an apparent lurch from the weakest derivatives bill in Congress to the strongest.

One derivatives-industry lawyer I spoke with recently recognized the handiwork of a certain federal regulator: "I think Gensler drafted it, his staff put it together from various pieces," he told me. "It does embrace [certain restrictions] which the administration asked not to be included." When I asked Gensler about this role, he downplayed it but didn't disavow it. "Sure, there's lots of language that we've helped with," he told me. "We've given technical advice. It's inaccurate to say it's 'our language.'" Regardless of who deserves credit, the bill quickly gained steam: In addition to every Democrat on her committee, Lincoln also picked up the vote of one Republican.

What explains the unexpected success? The financial-services industry had counted on public passion subsiding with time. As the derivatives lawyer told me a few weeks ago, "The current strategy you're hearing is basically to keep Republicans together till cooler heads prevail." But cooler heads aren't prevailing. As the bailed-out banks have surged back to profitability while unemployment hovers near 10 percent, the public has, if anything, grown crankier. By holding the line on a tougher reform package, the White House has been able to ride the anger rather than get trampled by it. In a moment of rising public frustration, the populist argument gains force the longer the debate continues.

There's just one catch: In drafting her bill, Lincoln included an idea that Gensler denies authoring—a provision that would force big banks like Goldman Sachs to spin off their derivatives businesses if they want access to credit from the Fed. The administration is cool to the proposal, which it fears might make the system less stable, as are many Senate Democrats. But, given the public mood, no senator wants to be linked to its death. At one point, New York Senator Kirsten Gillibrand filed an amendment simply requiring federal regulators to assess the idea before voting to implement it. But Gillibrand never offered it up because she and other Democrats didn't want to slow the momentum behind an otherwise solid bill. It's a funny thing about populist fervors: Once unleashed, no one can say where they'll end. ◆

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Forgive Not

A Catholic's struggle with the sins of his church.

GARRY WILLS

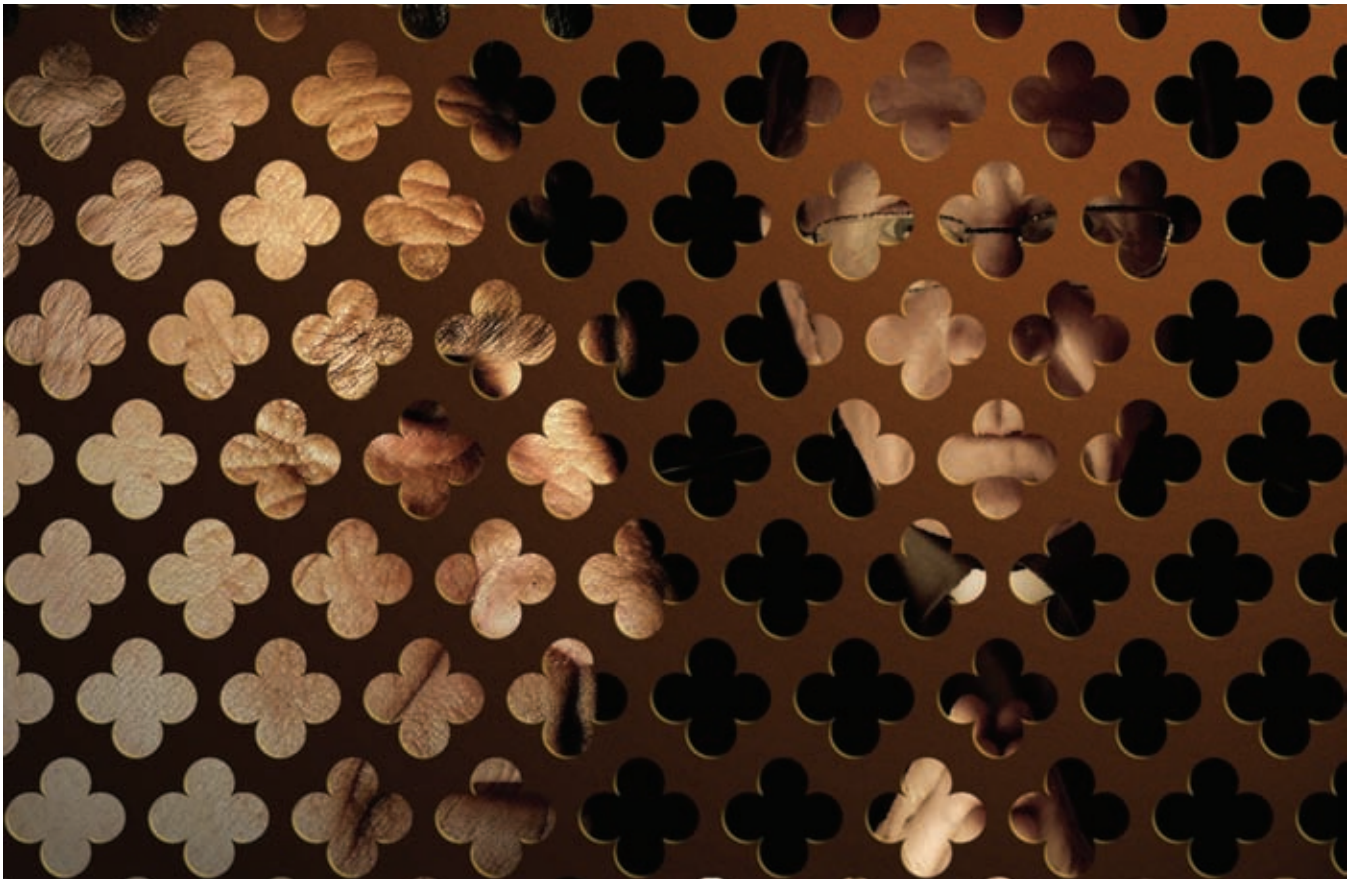
This early in the twenty-first century, the rulers of the Catholic Church have suffered an earthquake of crumbling credibility. Nearly ten years ago, with the initial revelations about sexual abuse of the young by priests, some argued that the problem was limited in time and place, since most of the abuse cases had occurred 30 or 40 years before, and they took place in the United States. There was hope that an investigative and reformist effort would restore the U.S. Church's authority. An emergency Dallas meeting of American bishops in 2002 and a lay inquiry with its recommendations in 2004 were supposed to make the problem go away.

But, ten years later, all across the globe, the problem has shown a stubborn refusal to subside. Pedophile scandals have devastated the Church in Ireland. Fresh horrors have come to light in the United States, especially in Wisconsin and Arizona. There are urgent investigations in Germany, Switzerland, Austria, Australia, and Italy. And the Pope himself has been implicated in the scandals, some of which occurred when he was Archbishop of Munich and some when he oversaw the treatment of pedophile reports at the Congregation for the Doctrine of the Faith. This has led to calls for the Pope's resignation, or arrest, or criminal indictment—things not even imaginable ten years ago.

It should come as no surprise that a world scandal has succeeded the American troubles. Leading members of the hierarchy in country after country dismissed the U.S. reports of abuse by priests as a thing made up by the hyperthyroid American press, out of an anti-Catholic animus, a pro-Jewish zeal, or the hope to cash in on Church wealth. It is no wonder these foreign cardinals have been blindsided by their own neglected scandals. At first, the Vatican rejected the measures taken by the United States Conference of Catholic Bishops, after their meeting in Dallas, as not being fair to accused priests, giving too much scope to lay panels of critics, and violating the confidentiality of confessions.

Cardinal Tarcisio Bertone, at the time a second-in-command to Cardinal Ratzinger at the Congregation for the Doctrine of the Faith, and later the second-in-command (secretary of state) to

The papacy has been frozen in a defensive crouch, opposed to anything that diminishes the Church's power to define reality.



Marty Blake

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Ratzinger as Pope Benedict, set the tone in an interview with an Italian magazine:

> [T]here is a well-founded suspicion that some of these charges [of abuse], that arise well after the fact, serve only for making money in civil litigation. . . . In my opinion, the demand that a bishop be obligated to contact the police in order to denounce a priest who has admitted the offence of pedophilia is unfounded. . . . If a priest cannot confide in his bishop for fear of being denounced, then it would mean that there is no more liberty of conscience.

Bertone was soon chosen by the Vatican to serve on a panel that would soften the directives adopted by the American bishops for punishing pedophile priests. Another member of this panel, made up of eight bishops, was Cardinal Darío Castrillón Hoyos, the head of the Congregation for the Clergy, which handled all issues having to do with priests. Castrillón Hoyos was delegated to read a papal letter that mentioned the scandals, where he defended a policy of "keeping things within the family." A third member of the panel was Archbishop Julián Herranz Casado, who attributed the pedophile scandal to American "exaggeration, financial exploitation, and nervousness."

Some critics of the American bishops' treatment of the pedophile problem cited an article from the Vatican-monitored newspaper *Civiltà Cattolica*, written by the dean of the canon law department at Rome's Gregorian University, famous for training the clergy. It said that "the bishop and the superior [of religious orders] are neither morally nor judicially responsible for the acts committed by one of their clergy." Among those attacking the Jewish press in the United States for causing the scandal was Cardinal Óscar Rodríguez Maradiaga, who said that the Vatican's reception of Yasir Arafat had offended the media, that a supporter of feminism was judging the priests' cases in Boston, and that Cardinal Bernard Law had been subjected to "Stalinist processes against Churchmen." At a press conference in Rome, Rodriguez called the emphasis on the scandals by U.S. newspapers an "obsession [that] is a mental illness," and a trick to get money from the Church:

> When I was in the United States in the 1970s, there was a fashion when one slipped on a sidewalk to sue the owner of the house for millions. This became a kind of industry. I remember that people used to put on a neck brace and go find a lawyer. . . . So why now is there such interest in taking up these [pedophile] cases from the past? Because there is money in play. But we know that money doesn't heal any wound. . . . If it were up to me, I would give the money neither to the lawyers nor even to the victims. . . . For me it would be a tragedy to reduce the role of a pastor to that of a cop. We are totally different, and I'd be prepared to go to jail rather than harm one of my priests.

The harm, you notice, was to the priests, not to the children they preyed on. The priests, Rodriguez said, can "also be victims."

Members of the hierarchy outside the United States regularly called accusations against priests the real scandal. Cardinal Norberto Rivera Carrera of Mexico City said there was "an orchestrated plan for striking at the prestige of the Church" that constituted a "ferocious persecution." Cardinal Jan Schotte of Belgium (where new scandals have now been reported) cited with approval the *Civiltà Cattolica* article by Father Gianfranco Ghirlanda, saying that the priests should not be accountable to secular authorities and noting that the Belgian bishops had successfully avoided turning over their records on the grounds that they were official Church documents. Cardinal Juan Sandoval Íñiguez of Guadalajara claimed that the Church was being persecuted for its opposition to abortion and its support of Palestinians:

> The powerful don't like what the Church affirms and testifies to regarding the defense of life and of the family. For the powerful of the world, the positions of the Church against the financial strangulation of the countries of the Third World and in favor of the millions and millions of robbed and exploited poor don't go down well. The powerful also won't tolerate the balanced position of the Church regarding the dramatic situation in the Holy Land.

Most of these reactions by the hierarchy date from two to four years after my book, *Papal Sin*, was published. But they show the same patterns of denial, evasion, defensiveness, accusation, and protestations of innocence and holiness that I had already analyzed. The U.S. scandals had not reached their height in 2000, and they did not lead me to write the book. The occasion for my doing so was a careful reading of Lord Acton's collected historical writings. Though Acton was a lifelong Catholic, he had been a scathing critic of the First Vatican Council, and of the dishonest way Pius IX extracted from it a definition of papal infallibility. But he assured William Gladstone that a papacy that had survived the St. Bartholomew's Day Massacre and had based its claims on fraud and forgery for centuries was just acting true to form.

Acton's most famous criticisms of the papacy occurred in his dealings with Mandell Creighton in 1887. Creighton would later become the Anglican bishop of London, but, at the time, he was a professor of history at Cambridge University and the editor of the *English Historical Review*. He asked Acton to review in that journal volumes three and four of *The History of the Papacy*, which Creighton had just published. Acton attacked the volumes for whitewashing papal crimes. Creighton honorably published the review, despite its criticism of him, but, when Creighton wrote objecting to certain matters in the review, Acton sharpened his attack. His letter of April 5, 1887, contains this famous passage:

> I cannot accept your canon that we are to judge Pope and King unlike other men, with a favorable presumption that they did no wrong. If there is any presumption, it is the other way, against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt, and absolute power corrupts absolutely. . . . There is no worse heresy than that the office sanctifies the holder of it.

Though Acton lived before the Second Vatican Council defined the Church as "the people of God," the entirety of Acton's writings prove that he never equated Catholicism with the papacy. He was too good a historian for that. The Pope is a freak of history—specifically, of medieval history. His office does not date from the early history of the Christian community. Peter was not a Pope, or a bishop, or a priest—offices that did not exist in his lifetime. There are no priests in the New Testament. Peter was not the leader of the Church in either Jerusalem or Rome—communities led, respectively, by James, Jesus's brother, and Clement. Paul, at the famous clash in Antioch, showed that he did not think Peter a sound interpreter of Jesus's message. Males were not the only ministers at the outset, as the apostle Junia proves. In fact the early preachers of the Gospel were often a husband-and-wife team.

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When the current Pope was Cardinal Ratzinger, he was asked how so many Catholics could disregard official teachings of the hierarchy. He answered that doctrine is not set by majority vote. But that is precisely how creeds and doctrines were formulated. At the great Eastern councils, like that of Nicaea, hundreds of bishops from around the world voted on the deepest mysteries of the faith—the Trinity, the Incarnation, the Resurrection. And there was no Pope at any of those councils. The democracy that would be denounced by Pius IX had been practiced in the early Church, where priests and bishops were elected by the people, and bishops could no more leave a people, once elected, than a man could leave his wife. (That is why, for a long time, no bishop could become a Pope—he could not leave his diocese.)

In the Middle Ages, it was the worldly assumption that all authority had to be feudal or monarchical in character. So the Pope became a monarch. He ruled territories. He had armies, prisons, spies. These things were finally stripped from him, but not until the nineteenth century, and despite the frantic efforts of Pius IX to retain them. Even now, the vestigial papal state is being invoked to show that the Pope, as ruler of a sovereign government, cannot be called to account for priestly sins.

In keeping with its ahistorical and medieval roots, the papacy has been reflexively opposed to social changes. Pius IX condemned democracy as an evil and illegitimate form of government. The papacy has historically been at war with science—against the Enlightenment, against textual criticism from Erasmus's time onward, against cosmology and astronomy in Galileo's time, against the "liberalism" of Lamennais and others, against biology and geology in Darwin's time, against psychology in Freud's time—and, at present, against prenatal scans, in vitro fertilization, artificial insemination, surrogate motherhood, fetal stem-cell research, and condoms to prevent AIDS in Africa.

In order to protect what are considered timeless truths, for centuries, the papacy prevented the study of the Bible in its original Hebrew and Greek forms, insisting that only the Latin Bible of the Catholic liturgy be considered authoritative. It made it a condition of ordination that would-be priests take an oath against modernism, subscribing to the biblical simplisms of Pius X's encyclical *Pascendi*. It tolerated when it did not encourage—until the 1960s!—the idea that the Jewish people were guilty of deicide.

Since the papacy has been frozen in a defensive crouch, defying historical fact and free inquiry, it has been opposed to anything that might diminish the power of the Church to define reality. The authority of the bishop, of the priest, of the papacy, was more important than the Gospel. It was considered the only power that could say what the Gospel is or demands. Thus, the covering-up of sacerdotal sins and errors was a given in the Church. The infantilism of priests, the combined sexual inexperience and prurience resulting from celibacy, the belief that a celibate male is more attuned to spiritual reality than a married man—all this created a framework where sins, when they occurred, had to be denied, the victims had to be blamed, the solution to the problem was simply one of praying harder. Where therapy failed, the confessional would take the sinner with spiritual force beyond the worldly wisdom of psychiatrists.

Why I remain a Catholic: I do not equate the people of God with the papacy.

Even now, as Church leaders belatedly try to repent and repair things, the mythical underpinnings of the priestly system continue to be taught—that only celibates can be priests (the apostles were married, all but Paul), that refusal to marry gives a man a superior caringness, that it makes him unworldly and concerned with other souls. What real change can occur when such myths are clung to with a blind ferocity? The resistance to change can be seen in the fact that the papacy has not faced the facts of a priesthood dwindling in both numbers and quality, of a financial base eroding as Church attendance goes down and donations dry up, even as damages in the billions must be paid to victims of "holy" predators. The wonderful teaching and nursing services of the nuns have evaporated.

The reaction of the hierarchy has been to dig itself even deeper into the past—to blame the Church's troubles on such old evils as secularism, relativism, positivism, pluralism, and a "permissive" culture. The Second Vatican Council is blamed as well, and the Popes have tried to blunt or reverse its changes. Pope Benedict wants to go back to the Latin mass, with the priest turned from the people. He has cut back ecumenical initiatives, denying again the validity of Anglican orders, forbidding concelebration of Mass with Protestants, declaring (in *Dominus Iesus*) that all other churches are "gravely deficient." He wants to put nuns back in their habits. He is driving to canonize the anti-Semitic Popes Pius IX and Pius XII. These are further signs of the structures of deceit—of self-deception as the first step to defying "worldly wisdom."

I am asked, if I believe this, why I remain a Catholic. I do that precisely because I do not equate the people of God with the papacy. Well, I am told, other churches honor the Creed and the Gospel without the burden of a papacy as outdated as the medieval costumes it affects. I want to be at one with Anglicans, Lutherans, Presbyterians, and others; but I want all of these communions to come together, and I cannot do that by renouncing the Catholic membership in such an ecumenical Christianity, saying some churches are better than others. When the disciples of Jesus came back from their first mission away from him, the apostle John reported, "Master, we saw a man driving out evil in our name, and he was not one of us, we tried to stop him." Jesus asks why they did that: "No one who does a work of divine power in my name will be able the next moment to speak evil of me" (Mark 9:38-39). All of us who honor his name must come together. When a Catholic tells me—often these days, it is a young woman—that she can no longer put up with the male monarchical Church, I tell her, "Stay with us, we need you. The people of God need you."

All those who honor the name of Jesus are engaged in a joint search for the Jesus who will not be found in marble halls or wearing imperial costumes. He is forever on the run. He is the one who said, "Whatever you did to any of my brothers, even the lowliest [*elackistoi*], you did to me" (Matthew 25:41). That means that the priests abusing the vulnerable young were doing that to Jesus, raping Jesus. Any clerical functionary who shows more sympathy for the predator priests than for their victims instantly disqualifies himself as a follower of Jesus. The cardinals said they must care for their own, going to jail if necessary to protect a priest. We say the same thing, but the "our own" we care for are the victimized, the poor, the violated. They are Jesus.

Garry Wills is the author, most recently, of Bomb Power. *A tenth-anniversary edition of his book* Papal Sin *will be published later this year.*

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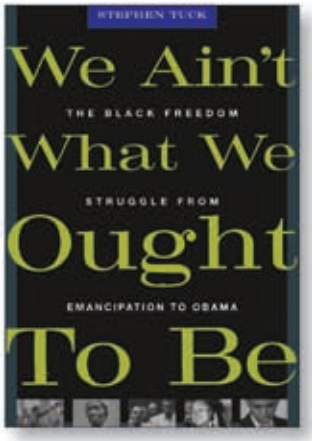

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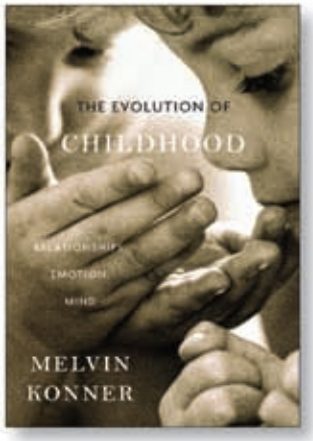

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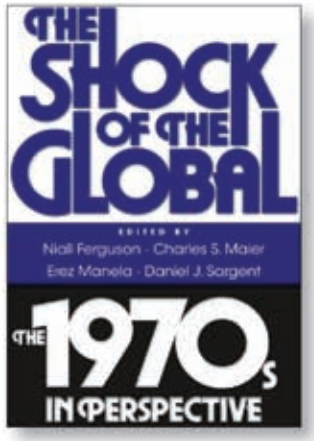

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Tea Minus Zero

The Tea Party menace will not go quietly.

JOHN B. JUDIS

Liberals have responded to the Tea Party movement by reaching a comforting conclusion: that there is *no way* these guys can possibly be for real. The movement has variously been described as a "front group for the Republican party" and a "media creation"; Paul Krugman has called Tea Party rallies "AstroTurf (fake grass roots) events, manufactured by the usual suspects."

I can understand why liberals would want to dismiss the Tea Party movement as an inauthentic phenomenon; it would certainly be welcome news if it were. The sentiments on display at Tea Party rallies go beyond run-of-the-mill anti-tax, anti-spending conservatism and into territory that rightly strikes liberals as truly disturbing. Among the signs I saw at an April 15 protest in Washington: "If it sounds like Marx and acts like Stalin it must be Obama," "Stop Obama's brownshirt infil traitors," and "Obama bin lyin'," which was accompanied by an illustration of the president looking like a monkey.

But the Tea Party movement is not inauthentic, and—contrary to the impression its rallies give off—it isn't a fringe faction either. It is a genuine popular movement, one that has managed to unite a number of ideological strains from U.S. history—some recent, some older. These strains can be described as many things, but they cannot be dismissed as passing phenomena. Much as liberals would like to believe otherwise, there is good reason to think the Tea Party movement could exercise considerable influence over our politics in the coming years.

The movement essentially began on February 19, 2009, when CNBC commentator Rick Santelli, speaking from the floor of the Chicago Mercantile Exchange, let loose against the Obama administration's plan to help homeowners who could no longer pay their mortgages. "This is America!" Santelli exclaimed. "How many of you people want to pay for your neighbors' mortgage that has an extra bathroom and can't pay their bills?" Santelli called for a "Chicago Tea Party" to protest the administration's plan.

Santelli's appeal was answered by a small group of bloggers, policy wonks, and Washington politicos who were primarily drawn from the libertarian wing of the conservative movement. They included John O'Hara from the Illinois Policy Institute (who has written a history of the movement, titled *A New American Tea Party*); Brendan Steinhauser of FreedomWorks, a Washington lobbying group run by former Representative Dick Armey; and blogger Michael Patrick Leahy, a founder of Top Conservatives on Twitter. The initial round of Tea Party protests took place at the end of February in over 30 cities. There were more protests in April, and, by the time of the massive September 12 protest last year, the Tea Party movement had officially arrived as a political force.

Like many American movements, the Tea Parties are not tightly organized from above. They are a network of local groups and national ones (Tea Party Patriots, Tea Party Express, Tea Party Nation), Washington lobbies and quasi–think tanks (FreedomWorks, Americans for Prosperity), bloggers, and talk-show hosts. There are no national membership lists, but extensive polls done by Quinnipiac, The Winston Group, and *Economist*/YouGov suggest that the movement commands the active allegiance of between 13 percent and 15 percent of the electorate. That is a formidable number, and, judging from other polls that ask whether someone has a "favorable" view of the Tea Parties, the movement gets a sympathetic hearing from as much as 40 percent of the electorate.

Tea Partiers' favorite politician is undoubtedly Sarah Palin—according to the *Economist*/YouGov poll, 71 percent of Tea Partiers think Palin "is more qualified to be president than Barack Obama" (and another 15 percent are "not sure")—but, more than anyone else, the movement takes its cues from Glenn Beck. Unlike fellow talkers Rush Limbaugh and Sean Hannity, Beck has never been a conventional Republican; he calls himself a conservative rather than a member of the GOP. While Limbaugh has attempted to soft-pedal his personal failings, the baby-faced Beck makes his into a story of redemption. He is, in his own words, an "average, everyday person." You need to have followed Beck's conspiratorial meanderings to understand what preoccupies many members of the Tea Party movement. At the Washington demonstration in April, for instance, there were people holding signs attacking Frances Fox Piven and Richard Cloward, two 1960s-era Columbia University sociologists who, Beck claims, were the brains behind both the community group ACORN and Obama's attempt to destroy capitalism by bankrupting the government through national health care reform.

In the last year, the movement's focus has shifted from demonstrations to elections. Currently, Tea Party groups are backing Republican Senate candidates in Kentucky, Utah, and Florida, while trying to knock off Democratic Senators Harry Reid in Nevada and Arlen Specter in Pennsylvania. In some places, Tea Party organizations have begun to displace the state GOP. Last month, Action is Brewing, the northern Nevada Tea Party affiliate, hosted a televised debate for the Republican gubernatorial and senatorial candidates. In addition, numerous candidates are running for Congress as Tea Party supporters.

The Tea Parties are the descendants of a number of conservative insurgencies from the past two generations: the anti-tax rebellion of the late '70s, the Moral Majority and Christian Coalition of the '80s and '90s, and Pat Buchanan's presidential runs. Like the Tea Partiers I saw in Washington—and the picture of the Tea Partiers put forward by the Winston and Quinnipiac polls—these movements have been almost entirely white, disproportionately middle-aged or older, and more male than female (though parts of the Christian right are an exception on this count). A majority of their adherents generally are not college-educated, with incomes in the middle range—attributes that also closely match the Tea Party movement's

Glenn Beck's conspiratorial meanderings help to explain some of the Tea Party movement's obsessions.

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demographic profile. (A misleading picture of Tea Partiers as college-educated and affluent came from a *New York Times*/CBS poll of people who merely "support," but don't necessarily have anything to do with, the Tea Party movement. The other polls surveyed people who say they are "part of" the movement.)

Sociologists who have studied these earlier movements describe their followers as coming from the "marginal segments of the middle class." That's a sociological, but also a political, fact. These men and women look uneasily upward at corporate CEOs and investment bankers, and downward at low-wage service workers and laborers, many of whom are minorities. And their political outlook is defined by whether they primarily blame those below or above for the social and economic anxieties they feel. In the late nineteenth and early twentieth century, the marginal middle class was the breeding ground for left-wing attacks against Wall Street. For the last half-century, it has nourished right-wing complaints about blacks, illegal immigrants, and the poor.

It isn't just demography that the Tea Parties have in common with recent conservative movements; it's also politics. To be sure, some of the original Tea Party organizers were young libertarians, many of whom, like Brendan Steinhauser, voted for Ron Paul in 2008 and have rediscovered Ayn Rand's ethic of rational selfishness. They remain part of the movement—one sign I saw at the Washington rally read, "WE ARE JOHN GALT," referring to the hero of *Atlas Shrugged*—but, as the movement has grown, its adherents have become more conventionally conservative. As Grover Norquist likes to point out, what distinguishes one conservative group from another is not their members' overall views, but what "moves" them to demonstrate or to vote. The Christian right, for instance, went to the barricades over abortion and gay marriage, yet most members also hold conservative economic views. Likewise, the Tea Partiers have been moved to action by economic issues, but they share the outlook of social conservatives. According to the *Economist*/YouGov poll, 74 percent of Tea Party members think abortion is "murder," and 81 percent are against gay marriage. Sixty-three percent are in favor of public school students learning that "the Book of Genesis in the Bible explains how God created the world"; 62 percent think that "the only way to Heaven is through Jesus Christ." These beliefs are on display at rallies: In Washington, one demonstrator in clerical garb held a sign saying, "GOD HATES TAXES." Moreover, aside from the followers of Ron Paul, Tea Party members also share the post-September 11 national security views of the GOP. When Tea Partiers were asked to name the "most important issue" to them, terrorism came in third out of ten, behind only the economy and the budget deficit.

If you look at the people who are running as pro–Tea Party candidates, you discover that some of them have simply graduated from one stage of the conservative movement to another. Jason Meade, who is running for Congress in Ohio, was just out of school, working in his father's business and playing music, when he "returned to the church and left the music world behind." Now 38, he sees his participation in Tea Party politics as a continuation of his twelve subsequent years in ministry school. "I decided to try and minister in a new way; by trying to be involved in the protection of the freedoms and liberty that God has given us and that have been woven into the fabric of our country," he wrote on his website. Jason Sager, 36, who is running in a Republican congressional primary northeast of Tampa, got into conservative politics in the wake of September 11. A Navy veteran, he joined a group called Protest Warrior that staged counter-demonstrations at antiwar rallies, and he was a volunteer in George W. Bush's 2004 campaign. After Obama's election, he got involved with Glenn Beck's 912 Project and, then, with the local Tea Parties.

But the Tea Parties' roots in U.S. history go back much further than the conservative movements of recent decades. The Tea Parties are defined by three general ideas that have played a key role in U.S. politics since the country's early days. The first is an obsession with decline. This idea, which traces back to the outlook of New England Puritans during the seventeenth century, consists of a belief that a golden age occurred some time ago; that we are now in a period of severe social, economic, or moral decay; that evil forces and individuals are the cause of this situation; that the goal of politics is to restore the earlier period; and that the key to doing so is heeding a special text that can serve as a guidebook for the journey backward. (The main difference between the far right and far left is that the left locates the golden age in the future.) The Puritans were trying to reproduce the circumstances of early Christianity in New England, using the Bible as their guiding text. Their enemies were Catholics and the Church of England, who they believed had corrupted the religion. For the Tea Partiers, the golden age is the time of the Founders, and adherence to the Constitution is the means to restore this period in the face of challenges from secular humanism, radical Islam, and especially socialism.

Beck has been instrumental in sacralizing the Constitution. He has touted the works of the late W. Cleon Skousen, a John Birch Society defender who projected his ultraconservative views back onto the Founding Fathers. In *The 5000 Year Leap*, which has been reissued with a foreword by Beck, Skousen claimed that the Founders "warned against the 'welfare state'" and against "the drift toward the collectivist left."

In Arizona, Tea Party members hand out copies of the Constitution at political meetings the way a missionary group might hand out Bibles. The San Antonio Tea Party group has demanded that politicians sign a "contract with the Constitution." In speeches, Tea Partiers cite articles and amendments from the Constitution the same way that clerics cite Biblical verses. Speaking at the Lakeland Tea Party rally on tax day, Jason Sager said, "You are now able to see the most pressing issue that faces our nation and our society. Do you know what that issue is? We are now witnessing the fundamental breakdown of the republican form of government that we are guaranteed in Article Four, Section Four of our Constitution." In typical fashion, Sager did not go on to explain what Article Four, Section Four was. (You can look it up. I had to.)

Just as the Puritans believed Catholics and the Church of England were undermining Christianity, the Tea Partiers have fixated on nefarious individuals and groups—Saul Alinsky, ACORN, and, of course, Obama himself—who they believe are destroying the country. (According to the *Economist*/YouGov poll, 52 percent of Tea Party members think ACORN stole the 2008 election from John McCain; another 24 percent are still not sure.) "America has let thieves into her home," writes Beck, "and that nagging in your gut is a final warning that our country is about to be stolen." Their determination to locate the threat outside the United States accounts for their emphasis on Obama being a socialist, Marxist, communist, or even fascist—all of which are foreign faiths—rather than what he is: a conventional American liberal. It also helps explain the repeated references to Obama's African father. And it explains why some Tea Partiers continue to believe, in the face of incontrovertible evidence, that Obama

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was born outside the United States. The *Economist*/YouGov poll found that 34 percent of Tea Party members think he was not born in the United States, and another 34 percent are not sure.

But how could a movement that cultivates such crazy, conspiratorial views be regarded favorably by as much as 40 percent of the electorate? That is where the Tea Party movement's second link to early U.S. history comes in. The Tea Partiers may share the Puritans' fear of decline, but it is what they share with Thomas Jefferson that has far broader appeal: a staunch anti-statism. What began as a sentiment of the left—a rejection of state monopolies—became, after the industrial revolution and the rise of the labor movement, a weapon against progressive reforms. The basic idea—that government is a "necessary evil"—has retained its power, and, when the economy has faltered, Americans have been quick to blame Washington, perhaps even before they looked at Wall Street or big corporations. It happened in the late '70s under Jimmy Carter and in the early '90s under George H.W. Bush; and it has happened again during Obama's first 18 months in office. According to a Pew poll, the percentage of Americans "angry" with government has risen from 10 percent in February 2000 to 21 percent today, while another 56 percent are "frustrated" with government.

Of course, during Franklin Roosevelt's first term, most voters didn't blame the incumbent administration for the Great Depression. Roosevelt was able to deflect blame for the depression back onto the Hoover administration and the "economic royalists" of Wall Street and corporate America. But Roosevelt took office at the nadir of the Great Depression, and his policies achieved dramatic improvements in unemployment and economic growth during his first term. Obama took office barely four months after the financial crisis visibly hit, and he has had to preside over growing unemployment.

Simmering economic frustration also accounts for the final historical strain that defines the Tea Parties: They are part of a tradition of producerism that dates to Andrew Jackson. Jacksonian Democrats believed that workers should enjoy the fruits of what they produce and not have to share them with the merchants and bankers who didn't actually create anything. The Populists of the late nineteenth century invoked this ethic in denouncing the Eastern bankers who held their farms hostage. Producerism also underlay Roosevelt's broadsides against economic royalists and Bill Clinton's promise to give priority to those who "work hard and play by the rules."

During the 1970s, conservatives began invoking producerism to justify their attacks on the welfare state, and it was at the core of the conservative tax revolt. While the Jacksonians and Populists had largely directed their anger upward, conservatives directed their ire at the people below who were beneficiaries of state programs—from the "welfare queens" of the ghetto to the "illegal aliens" of the barrio. Like the attack against "big government," this conservative producerism has most deeply resonated during economic downturns. And the Tea Parties have clearly built their movement around it.

Producerism was at the heart of Santelli's rant against government forcing the responsible middle class to subsidize those who bought homes they couldn't afford. In his history of the Tea Party movement, O'Hara described an America divided between "moochers, big and small, corporate and individual, trampling over themselves with their hands out demanding endless bailouts" and "disgusted, hardworking citizens getting sick of being played for chumps and punished for practicing personal responsibility." The same theme recurs in the Tea Partiers' rejection of liberal legislation. Beck dismissed Obama's health care reform plan as "good old socialism . . . raping the pocketbooks of the rich to give to the poor." Speaking to cheers at the April 15 rally in Washington, Armey denounced the progressive income tax in the same terms. "I can't steal your money and give it to this guy," he declared. "Therefore, I shouldn't use the power of the state to steal your money and give it to this guy."

The Tea Parties are not managed by the Republican National Committee, and they are not really a wing of the GOP. It is telling that Beck devoted his February speech at the Conservative Political Action Conference to bashing Republicans—and that, in a survey of 50 Tea Party leaders, the Sam Adams Alliance found that 28 percent identify themselves as Independents and 11 percent as Tea Party members rather than Republicans. Still, the Tea Partiers' political objective is clearly to push the GOP to the right. They agitated last summer for a Republican party-line vote against health care reform and are now arguing that states have a constitutional right to refuse to comply with it. They have been calling the offices of Republican senators to demand that they oppose a bipartisan compromise on financial regulatory reform. In South Carolina, they have attacked Senator Lindsey Graham, who is also a favorite Beck target, for backing a cap-and-trade bill. The Arizona Tea Party pressured Governor Jan Brewer to sign the now-infamous bill targeting illegal immigrants. And Tea Party Nation has issued a "Red Alert" to prevent Congress from adopting "amnesty" legislation.

If the GOP wins back at least one house of Congress in November, the Tea Parties will be able to claim victory and demand a say in Republican congressional policies. That could lead to a replay of the Newt Gingrich Congress of 1995–1996, from which the country was lucky to escape relatively unscathed. But, beyond this, it's hard to say what will become of the movement. If the economy improves in a significant way next year, it is likely to fade. That is what happened to the tax revolt, which peaked from 1978 to 1982 and then subsided. But, if the economy limps along—say, in the manner of Japan over the last 15 years—then the Tea Parties will likely remain strong, and may even become a bigger force in U.S. politics than they are now.

For all of its similarities to previous insurgencies, the Tea Party movement differs in one key respect from the most prominent conservative movement of recent years, the Christian right: The Tea Parties do not have the same built-in impediments to growth. The Christian right looked like it was going to expand in the early '90s, but it ran up against the limit of its politics, which were grounded ultimately in an esoteric theology and a network of churches. If it strayed too far from the implications of that theology, it risked splitting its membership. But, if it articulated it—as Pat Robertson and others did at various inopportune moments—then it risked alienating the bulk of Americans. The Tea Parties do not have the same problem. They have their own crazy conspiracy theories, but even the wackiest Tea Partiers wouldn't demand that a candidate seeking their endorsement agree that ACORN fixed the election or that Obama is foreign-born. And their core appeal on government and spending will continue to resonate as long as the economy sputters. None of this is what liberals want to hear, but we might as well face reality: The Tea Party movement—firmly grounded in a number of durable U.S. political traditions and well-positioned for a time of economic uncertainty—could be around for a while. ◆

ANTHONY RUSSO

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Stanley Kauffmann on Films

DISCONTENTS

"My business is to be talented," Anton Chekhov wrote once to his publisher. He was explaining that his job was not to judge his characters but to vivify them, "to be able to illuminate the characters and speak their language." A clear instance of this aim is in *The Duel*, his longest piece of fiction, written in 1891. It arrives now in film form, in English.

ANTON CHEKHOV'S THE DUEL
High Line Pictures

NO ONE KNOWS ABOUT PERSIAN CATS
IFC Films

The setting of the piece is a town on the Black Sea, much like the Yalta of his story "The Lady with the Dog." (The film makes a sly reference to that story; at one point a stylish woman carrying a little dog walks past men on a bench, who comment. She never appears again.) Almost all the characters are residents of the town, rather than vacationers, but the atmosphere is similar to that of the other story. This place, for good or ill, is outside bustling Russia: it seems to belong more to the sea than to the continent behind it. In fact, the sea that laps the town is a silent character; its size, its solemnity, its patience are interwoven with the action—something like a scale included on a map so that we can judge size and distance.

Three characters predominate, and two of them immediately engage us, because in them Chekhov is presenting his own *Anna Karenina* (published fourteen years earlier). He revered Tolstoy, and here he showed that the novel's situation might have enwrapped other sorts of men and women, differently reactive. Chekhov's Vronsky, so to speak, is Laevsky, a young minor official of some sort, though we never see him do a stroke of work. An intelligent, moody man, he has absconded with another man's wife and spends much of his time venting self-disgust, *weltschmerz*, ironic despair. Chekhov's Anna is Nadia, an attractive young woman who in this case did not leave any children behind with her husband. She seems more easily adjusted to her new social position than her companion does. One sidewise index of this: while she appears decorous to most, she is well aware of other possible lovers. Yet, differently tempered as they are, Laevsky and Nadia are still in love, though their situation now seems more workaday than daringly romantic.

The third principal is Von Koren, also young, a zoologist who is in this town on a research trip. He is acquainted with Laevsky and Nadia, but he has no particular interest in Nadia, and he despises Laevsky as a facile doomsayer who is helping to corrode and corrupt the best Russian spirit. Someone asks Von Koren why he hates Laevsky, and he replies, "I don't hate him. I know him too well." He is the most intricate character in the piece. We can infer that he is basically repelled by Laevsky through some kind of almost animal instincts, that this response was unsatisfactory to a man proud of his intellect, and that he composed a rational indictment in order to justify his dislike of Laevsky to himself.

A letter from a friend tells Laevsky that Nadia's husband has died: he is thus free to marry her. But as he is now whirling within a deeply disoriented life, he doesn't give her the news—until he decides what to do about it. He does tell a doctor friend, Samoylenko, who keeps the secret but reproves Laevsky, urging him to marry. Burdened with his guilty secret, Laevsky becomes even more distraught, and at a party he actually bursts into hysterics and has to be taken away. Somewhat recovered the next day, he is offensive to Samoylenko in the presence of Von Koren. The latter immediately takes over the defense of the elderly doctor's honor and challenges Laevsky to a duel. This extreme challenge is more than credible because we feel that Von Koren has almost been waiting for such a chance.

The duel is held, but the old-time chivalric flummery is handled tartly. All that I'll mention of the ending, even for a story that was published 120 years ago, is Chekhov's presumable point. The (then) modern world's encounter with the older convention-bound world is therapeutic. It is as if this plunge into specifics, the immensity of possible death, altered suppositions and fancies.

The film is visually gorgeous. It was shot in Croatia, and the landscapes are in apposite moods. The interiors—all the daytime scenes, anyway—are striped with bands of window light in relatively dark rooms, which gives the very air in them a feeling of embrace. The cinematographer, Paul Sarossy, also understands the complex rewards of the human countenance. The art direction by Ivica Trpcic and Nenad Pecur fulfills our hunger for splendor in a period film, not least with the ladies' hats. Angelo Milli's music supports emotions—sometimes a touch strenuously, but generally well.

The screenplay is by Mary Bing, who (we are told elsewhere) spent ten years as a practicing psychoanalyst. How this helped her with Chekhov's psyches we

ANTHONY RUSSO

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cannot speculate. But these people certainly bear his truths. The director, Dover Kosashvili, was born in Soviet Georgia and moved with his family to Israel when he was six. He has made two previous films, unseen by me, which won strings of awards. Notable here, in addition to his shrewd camera movement and attractive framing, is his dependence on glances. A mere glance by one actor to another to end or to turn a scene is sometimes all that he uses.

Fiona Glascott does well with Nadia's own acting. Nadia herself has to give something of a performance as a woman who truly loves her companion but cannot completely resist others' advances and needs to maintain the wholeness of her self through it all. Tobias Menzies endows Von Koren with an impressive dignity that conveys his expressed feelings about Laevsky and those unexpressed.

I save Andrew Scott, the Laevsky, for last because he has the most difficult job of fulfilling Chekhov's intent. Chekhov conceived *The Duel* with this character as frankly drawn as Scott presents him. This was less risky for Chekhov than for Scott. Our relationship with the man on the printed page is different from our relationship with the man in film. As we read, we envision him as we want to. But in the film Scott, aided by Kosashvili, is *there*, physically implosive, self-dramatizing and self-centered, demanding admittance to our sympathies. Laevsky, who plunged into a certain mode of life out of passion, is discovering some of its secret complications, is staggering in internal storms as he tries not to be a wretch nor to drown in twisted despair. Yet the actor has to keep us aware that even these depths are not all of the man. Scott, slender, good-looking, with an air that includes Laevsky's impatience with himself along with his discontent, accomplishes it.

The Iranian films that we have seen in the last few decades have usually been works of meditation, spiritually quiet, almost enviably calm. The abiding wonder with these films, many of which were beautiful, was the contrast between their subjects and the condition of Iran as we read about it almost daily. Now here is a different kind of contrast with the visible Iran—not with meditation or calm but with the seething energy of young dissidents.

No One Knows About Persian Cats is about young people in Tehran whose life—whose politics—is music. They compose and perform, when they can, music that has been forbidden by the state, presumably because it is derived from America. (The film title's last word is obviously a play on an Americanism.) They call it "indie rock," and it is mostly soft and sinuous love music. Some of the music later on, more pertinently rebellious, they call "Persian rap."

This is an instance when the making of a film is highly relevant to its viewers. The director was a Kurdish Iranian, Bahman Ghobadi, whose previous pictures—*A Time for Drunken Horses* and *Turtles Can Fly*, both seen here—were political protests. He says in an interview that the crew did not have permission to make this new film and that they had to shoot every day—only seventeen days in all—at high speed before the police spotted them. (Wryly enough, one scene involves the police, and the producers had to transform an ordinary car into a police car. In this scene the cop takes away a pet dog who is in the front seat of a car, because pets are not allowed outside.) This urgency means that most of the cinematic finish had to be supplied in the editing, mostly with kaleidoscopic montage—of places, people, lights—during the musical numbers.

One of the screenwriters, Roxana Saberi, American-born with an Iranian father, has been a reporter in Tehran since 2003. She was suddenly arrested in January 2009 and held incommunicado. Whether the arrest was connected to this film is not clear: she was writing a book about her Iranian life. After some international protest, including a message from Secretary of State Hillary Clinton, Saberi was released—in time for the Cannes premiere of this picture.

Most of the story is concerned with a young couple, musicians both, who want to emigrate, who know they cannot do so legally, and who move to acquire false passports and visas. Their story winds around warm scenes with their coeval musicians, with lots of playing and singing. The overall effect is of a busy underground community, relaxed, not wildly angry, but insistent on living their musical lives as they choose and as they can.

The film captures the burning yet lighthearted quality of these young people. Even while they continue with their music—played at secret concerts, of course—they are never sententious or heroic. They simply insist on doing what they want to do. Their sheer existence encourages the rest of us. ◆

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Paul Berman

THE PRISONER INTELLECTUALS

I.

THE OPENING PAGES of Arthur Koestler's *Darkness at Noon* are thrilling to read. In a very few sentences, Koestler managed to wrap his arms around one of the huge and mysterious philosophical master-themes of the last two centuries, and, in a muscular feat of poetic compression, to reduce his giant theme to a handful of simple images:

> The cell door slammed behind Rubashov.
>
> He remained leaning against the door for a few seconds, and lit a cigarette. On the bed to his right lay two fairly clean blankets, and the straw mattress looked newly filled. The washbasin to his left had no plug, but the trap functioned. The can next to it had been freshly disinfected, it did not smell. The walls on both sides were of solid brick, which would stifle the sound of tapping, but where the heating and drain pipe penetrated it, it had been plastered and resounded quite well; besides, the heating pipe itself seemed to be noise-conducting. The window started at eye-level.

And Rubashov observes the vista beyond the window bars: the snow, the moon, the Milky Way, a marching sentry, the yellow light of electric lanterns.

You will remember that Rubashov is a hardened militant of the Communist revolution. In the old days, when he was a high-ranking commissar, he used to enforce Communist discipline on the party rank-and-file in different parts of the world, in the interest of the Soviet Union. Now his own comrades have accused Rubashov of all kinds of preposterous crimes and are bringing him to trial—though his true crime is to have entertained a few discreet and sensible reservations about Number One, whom we recognize as Stalin. Koestler portrays Rubashov's gradual surrender, during the course of his prison interrogation, to the idea that, out of loyalty to his own doctrine of party discipline, he ought to accept every outlandish accusation against him. He ought to make a public confession. And he ought to welcome what we understand at once will be his inevitable execution—exactly as Nikolai Bukharin and some other people among the early Bolshevik leaders did at the Moscow Trials in the late 1930s, to the astonishment of the world. Koestler lays out the whole puzzling development with classic simplicity. Rubashov is duly shot—his last flickering thoughts reflecting a touch of confusion about whether he has been executed on the orders of Stalin or Hitler.

But it is those opening images that dominate the book. Koestler keeps returning to them, with slight variations. Some two hundred pages into the novel, Rubashov walks in the prison exercise yard. Snow covers the ground. The sun is pale. Birds glide above the machine-gun turret. Only by this point in *Darkness at Noon* the simple images, more than thrilling, have begun to seem beautiful, too, which is odd to consider, given the death-row landscape. And the beauty is haunting, and there is much to say about it—more to say in our own time perhaps even than in 1940, when Koestler finally completed the manuscript and arranged for it to be smuggled from Vichy France to England, where it was published the next year.

KOESTLER: THE LITERARY AND POLITICAL ODYSSEY OF A TWENTIETH-CENTURY SKEPTIC
By Michael Scammell
(Random House, 689 pp., $40)

Michael Scammell, in his superb biography, tells us that Koestler read Hemingway, and this was only natural. Koestler, a young journalist, went to report on the Spanish Civil War, ostensibly as an independent liberal correspondent for an English newspaper—though secretly, in those days, as a disciplined Communist himself, reporting to the Soviet intelligence apparatus. And Hemingway, too, went to Spain. Hemingway drew on the experience to compose his own reflection on twentieth-century totalitarianism and how to fight it. His version was *For Whom the Bell Tolls*. It came out in 1940, and it began roughly the way that Koestler's novel would.

The hardened militant in Hemingway's novel is a left-wing American military volunteer named Robert Jordan, who has gone to Spain to join the war against the fascists. In the opening lines of the book, Robert Jordan, rather like Koestler's Rubashov, surveys a cruel landscape—which turns out to be a pine forest, an oiled road, a waterfall rendered white by the sun, and so forth, with each object examined for its military possibilities. But in Hemingway's novel we recognize at once the voice that is recounting these details, the narrator's voice: it is the voice of a true-blue American, rendered laconic by a broken heart and the tragedies of the era—the voice of a sentimentalist who prides himself on having given up on sentimentality. As it happens, the laconic voice has not much to say. Hemingway in 1940 seemed to notice almost none of the big complexities of his own moment, which makes his book barely readable in our moment—an embarrassment, really. Still, the voice in *For Whom the Bell Tolls*, its silly Spanglish affectations and all, does have a certain charm, as almost always with Hemingway.

BUT WHAT KIND of voice is speaking in the opening lines of *Darkness at Noon*? This was never obvious, least of all to Koestler himself. He was a Hungarian Jew who, as a child, spoke German at home and Hungarian at school. By the time he finished composing *Darkness at Noon*, he had spent considerable periods of time in Budapest, Vienna, Berlin, Palestine (he adhered to Zionism's Revisionist faction, though his big achievement was to invent the crossword puzzle in Hebrew), Russia (after he abandoned Zionism for communism), Spain (where his principal experience was to sit in a couple of fascist prisons, awaiting what realistically appeared to be an imminent execution), and France (living a journalist's life in Paris, and then a prisoner's life once again, this time in a Vichy concentration camp, where he put in a lot of work on *Darkness at Noon*). And he had already taken a few tentative steps in the direction of his future career as a tweedy English gentleman of letters, too. He studied John Stuart Mill in a Spanish jail.

What kind of literary personality could

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those extravagant, polyglot, polyideological experiences possibly add up to—what kind of personality, audible on the page? Some sort of baroque cosmopolitan Central European, of course. Or something larger, a pan-European identity stretching all the way to Jewish Palestine. In any case, the various experiences added up to an allergic revulsion to sentimentalities of every kind, including ex-sentimentalities. And they added up to a penchant for abstract thinking and the occasional metaphysical flight of fancy.

Scammell quotes the opening passage of one of Koestler's autobiographical volumes, *Arrow in the Blue*, from 1952, in which Koestler explains that he was always attracted to a "language of destiny." He writes, "Astrology is founded on the belief that man is formed by his cosmic environment; Marx held that he is the product of his social environment. I believe both propositions to be true." Astrological Marxism may seem like polyideology taken one step too far. But it is obvious what Koestler has in mind: a belief in the inevitable. An extreme determinism. Here is the meaning of those opening lines of *Darkness at Noon*. The straw mattress, the washbasin, the toilet can and drainage pipes—these are the signs of human needs and realities at their basest. A low Marxism. And, glimpsed through the barred window, the Milky Way and the moon—there are the signs of cosmic destiny at their loftiest. The material, the celestial. A chilly astrological Marxist "language of destiny" turns out to be the landscape of Koestler's novel.

The whole drama of *Darkness at Noon* consists in Koestler's hero struggling as best he can with the astral and material powers of destiny; and the struggle has already begun in those opening lines. By sentence six, Rubashov has figured out that, by tapping on the pipes, he will be able to communicate, via the "quadratic alphabet" of prisoners, to whoever happens to occupy the cells adjacent to his own. We realize that Rubashov's battle is going to be immense and calculated—the struggle of an authentic hero, endowed with marvelous powers of acuity, resilience, and self-reliance. And already, before the first page has come to an end, we begin to recognize that Koestler has composed something other than an ordinary psychological or sociological or political novel. He has told a Promethean myth—the story of a man with heroic powers of resistance and boundless will, who is going to put up a ferocious struggle against the cosmic and uncosmic forces of absolute destiny.

II.

A talented little group of intellectuals in the 1930s was keen on Promethean myths, and the center of that impulse was the United States, where the talented group pictured the Communist movement in the light of Prometheus and his struggles. Edmund Wilson devoted his masterwork *To the Finland Station* to the Promethean theme—it, too, came out in 1940, by the way. Wilson's book proposed a history of the idea of social science during the last several centuries—the idea that laws of social development could be discovered and refined, and the subsequent idea that heroic and philosophically acute leaders, conscious of those laws, could put them to use by intervening forcefully in historical events. And the philosophically acute leaders could usher mankind into a higher stage of social development.

Wilson began his history by glancing back at the seventeenth century and Vico, and then he advanced by hops and skips to Marx, whose discoveries in social science proved to be, in Wilson's view, the crucial ones. Marx revealed the laws of history. Marx was Prometheus himself, the greatest of intellectuals—the man who at last had seized into his own human hands the secrets of fire, for the general benefit. And yet, as Wilson saw it, even Marx's Promethean breakthrough contained a flaw, which could lead unthinking Marxists into a spirit of fatalist resignation—thus requiring still another Promethean rebellion, this time within the Marxist movement itself, in favor of action and will. Wilson showed how Lenin, building on Marx's discoveries, led precisely such a rebellion—the rebellion that energized a passive social democracy into a hyperactive Bolshevism of action and will. Lenin arrived by train at Petrograd's Finland Station in 1917 to put Marx's discoveries, as improved by himself, into practical effect. And in that fashion, Lenin and the Bolsheviks launched what Wilson wistfully still hoped, when he began writing the book, would be the final liberation of mankind.

By the time Wilson completed his own manuscript, he knew very well that, in Russia, Marxism had pretty much failed. And he attributed this failure largely to a philosophical error on Marx's part, back in the nineteenth century. Marx had thoughtlessly incorporated into his own doctrine a whiff of mysticism, drawn from Hegel. The mystical whiff had transformed Marx's movement from a sober, progressive-minded, social-science action campaign into a movement of religious inebriates. A religious frenzy had produced a hubris. Under Lenin and the Bolsheviks, hubris led to despotism. And to crime—to the deliberate setting aside of moral considerations. To the dehumanization of humanism.

Such was Wilson's argument in *To the Finland Station*. Here was the Promethean myth, twisted into tragedy: a story of rebellion and counter-rebellion. Freedom and its betrayal. Fire and self-immolation. Wilson's philosophical mentors were Max Eastman and Sidney Hook, and in that same year each of those redoubtable thinkers came out with his own variation on the same interpretation—Eastman in an essay in *Reader's Digest* (which later appeared in his book *Reflections on the Failure of Socialism*) and Hook in a volume called *Reason, Social Myths, and Democracy*. In the United States in 1940, tragic Prometheanism was more than an argument. It was a school of thought.

And somehow Koestler, composing his novel under European circumstances inconceivably more difficult than anything his American colleagues would ever experience, arrived at roughly the same interpretation. Only, instead of presenting his interpretation as a study of intellectual history (Wilson's version) or as conventional philosophy (Hook) or as popular magazine exposition (Eastman), Koestler made his case in the form of fictional dialogue. One of Rubashov's tasks, back when he is still a party commissar, leads him to Germany during the early days of the Nazi dictatorship. There Rubashov meets clandestinely with a pathetic surviving member of the badly decimated and now-underground German Communist Party. The surviving militant, selflessly heroic, has been distributing Communist leaflets and painting slogans on the walls. But the comrade explains to Rubashov that he has preferred to distribute his own well-reasoned leaflets instead of the foolish and self-defeating leaflets mandated by the party leaders.

In a disciplined Communist movement, though, the rank and file are not supposed to second-guess their leaders. "The Party can never be mistaken," Rubashov tells him. Thus the principle of mystical infallibility. Rubashov says: "The Party is the embodiment of the revolutionary idea in history." More: "He who has not absolute faith in History does not belong in the Party's ranks." Having intoned these dogmas, Rubashov solemnly expels the erring German comrade—which, as Rubashov well understands, will soon enough mean turning in the poor man to the Nazis for arrest: not just a political cruelty, but a moral atrocity.

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This is precisely the sort of horrendousness that Wilson, Eastman, and Hook identified in their own writings in 1940, each writer in his own fashion—a Promethean heroism stripped of its moral bearings and rendered ugly, not to mention counterproductive. Koestler went beyond his American fellow-thinkers only in one respect, and this is in his portrait of Rubashov. The American writers pictured the history of Marxism and of its Bolshevik offshoot as if the entire story were dominated by people like Karl Marx, the university-trained philosopher, poring over documents at the Liverpool library—the kind of person whose worst and most devastating error in life might well consist of having leaned too heavily on Hegel instead of on Kant. This was Hook's interpretation of Marx: an upstanding thinker undone by ambiguities in the German philosophical tradition.

Koestler, though, by the second sentence of *Darkness at Noon*, shows us an additional little something, which turns out to be of extraordinary importance. Rubashov is a proper intellectual, but the education at his fingertips goes beyond anything you can learn in libraries. The tapping on the prison walls and the plumbing pipes, the examination of the barred window in search of ways to communicate with the other prisoners: these immediate responses to getting locked in a prison cell draw from a distinctive subculture. And Rubashov's command of that subculture and its cunning adds the extra little twist to the tragic Prometheanism that you do not see in the writings of Koestler's American counterparts.

Scammell tells us that, as a boy in Budapest and Vienna, Koestler read a great many writers, and one of those beloved authors was James Fenimore Cooper, whom not even children read anymore. Cooper introduced a first-rate mythic archetype into the world of literature: Leatherstockings, the American frontiersman. Leatherstockings is a kind of superman—someone who has mastered the secrets of the forests and the wisdom of the surviving Mohicans, which gives him a power of acute alertness and intrepid inventiveness that no ordinary paleskin could possibly possess. And Leatherstockings is ferociously tough. He is the first truly American figure to appear in world literature.

We do not think of Cooper exercising much of an influence on the history of literature and ideas, but Balzac, in the course of *The Human Comedy*, begs to differ. Balzac loved Cooper, and he adopted Leatherstockings, the cagey reader of forest signs, and transplanted him to the wilds of Parisian social life. And then Balzac took another step and, in his character Vautrin, spun yet another variation on Cooper's invention, and transformed the cagey hero into a ruthless crime boss, whose hidden wisdom derives not from the backwoods Mohicans or even from the sophisticated Parisian salons but, instead, from the jails. Here was the new literary archetype, in a sinister new variation: Balzac's Vautrin, the convict manipulator.

It needed only the Russians to transform this idea into its ultimate version—the Leatherstockings-like superman, hardened and crazed by his years in prison, acute with the esoteric wisdom of prison culture, alienated so thoroughly from the rest of the world as nearly to be a different species, now confronting the society outside the prison walls, only not as a frontiersman, nor even as a crime boss. He is, instead, a refined and cultivated member of the intelligentsia, radiant with ardor for justice and the better world of the future. Which is to say, a revolutionary leftist. Vautrin as socialist revolutionary. A jailbird with a well-elaborated program for social progress and a soul that is simultaneously sensitive and grotesquely hardened. Chernyshevsky's *What Is to Be Done?* was a left-wing utopian novel—Fourierist, to be precise—but it was also a prison novel, which celebrated the notion of a subversive revolutionary superman. Nechayev's *Catechism of a Revolutionary* was likewise a piece of prison writing, the literary consequence of having been chained to the wall of a czarist jail.

Prison writings in one version or another ended up as a pillar of Russian literature, which is to say, of world civilization. The Russian literature even managed to produce an American offshoot, a minor classic of American writing (with a significant and even Koestlerian legacy, if I may call it that), in Alexander Berkman's *Prison Memoirs of an Anarchist*, which Emma Goldman published in 1912. Berkman was a Russian Jew who had emigrated to the United States and, on the basis of his Russian revolutionary ideas, tried to assassinate the steel baron Henry Clay Frick in 1892. This landed Berkman in a penitentiary near Pittsburgh for the next fourteen years.

Berkman's account of prison life is filled with Pennsylvania details. And yet the book, with its ostentatious bows to Chernyshevsky, is fully in the Russian tradition—the tradition that enjoined self-sacrifice for the capital-C Cause, and invoked the obliteration of merely human feelings, and drew on the codes and solidarities of the prison inmates. Of course Berkman hoped that, out of prison experiences such as his own, the anarchist wing of the revolutionary movement would grow and prosper—meaning, it would produce steely men such as himself, anarchists of the sort whom Chernyshevsky and Nechayev and the other Russian writers had conjured as an ideal. The people who would bring about the revolution. The pride of the socially conscious intelligentsia, who were also, by dint of circumstances, hard men from the prisons.

In his *Prison Memoirs of an Anarchist*, Berkman wrote:

> Could anything be nobler than to die for a grand, a sublime Cause? Why, the very life of a true revolutionist has no other purpose, no significance whatever, save to sacrifice it on the altar of the beloved People. What could be higher in life than to be a true revolutionist? A being who has neither personal interests nor desires above the necessities of the Cause; one who has emancipated himself from being merely human, and has risen above that, even to the height of conviction which excludes all doubt, all regret; in short, one who in the very inmost of his soul feels himself revolutionist first, human afterwards.

And, to be sure, the anarchist movement did flourish for a while, just as Berkman hoped. It produced some heroic figures and some first-rate works of literature, such as Kropotkin's *Memoirs of a Revolutionist*—Kropotkin, the author of *In Russian and French Prisons*, a humane and scientifically learned man with a graceful prose style and a great many political insights, even if his doctrine did not always point in practical directions. But the political movement that most skillfully captured the spirit of high-brow prison leftism was not Kropotkin's. It was Marxism in a weird Russian variation—a Marxism of action and will, based on the ideal of the revolutionary man of iron, indifferent to his own well-being and even to his own survival—indifferent to the laws of moral behavior, too, so long as the Cause was faithfully served. A Marxism based on the cult of steely militants who, like Berkman, were content to regard themselves as already dead, or very nearly so, and therefore were capable of extraordinary action. A Marxism animated by prison culture. Here was the little detail of intellectual history that Wilson, Hook, and Eastman, the American observers, brilliant as they were, tended to overlook or to downplay.

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The perversion that had overtaken Marxism and converted it into a source of grotesque crime was a product of the czarist prisons, and not just of ambiguities within the German philosophical tradition. It was a kind of sewage leaking from the Peter and Paul Fortress—an incongruous mixture of German philosophy and czarist prison culture. The "Knouto-Germanic," in Bakunin's phrase. It was the decision to be, in Berkman's words, a "revolutionist first, human afterwards," the decision to make oneself into a fanatic of a very particular sort—not merely a rigid dogmatist or a ruthless militant but someone visibly superhuman, indifferent to life. The perversion that had overtaken Marxism was the decision, in short, to build a political movement around people of that sort—not a political party in any ordinary sense, and certainly not like Karl Marx's own political party, which was the German Social Democratic Party. Instead, a kind of human tank brigade. Bolshevism, in a word.

III.

This is what Koestler captured in those first sentences of *Darkness at Noon*—the Bolshevik welding of revolutionary zeal and prison culture, joined in struggle against the implacable forces of destiny. The opening lines are exciting to read because, with his handful of images, Koestler managed to evoke the power of destiny and, at the same time, the struggle against destiny by the greatest force that nineteenth-century and twentieth-century thinkers were able to devise: the hardened prison intellectuals, animated by soulful sympathies for the downtrodden and by avant-garde analytic insights and philosophical training, but tempered into steel, also, by the secret knowledge of inmates, the men who were dead and alive at the same moment. The champions of prison culture.

Why, after all, does Koestler's Rubashov confess to preposterous crimes? And, by extension, why did real-life Bolsheviks like Bukharin make their own courtroom confessions at the Moscow Trials? Koestler shows us the conscious side of Rubashov's thinking—the back-and-forth of his debates with his inquisitors, which ineluctably lead him to conclude that ultimately he had better make the confession demanded of him. *Darkness at Noon* is in this respect a novel of ideas—though not everyone has regarded this one aspect as entirely successful.

In 1947, the French philosopher Maurice Merleau-Ponty devoted a book called *Humanism and Terror* to showing, or trying to show, that Koestler's appreciation of Marxism was thoroughly insufficient, that laws of history did come into play and ought to have been taken more seriously. All in all, as Merleau-Ponty saw it, Koestler had failed to acknowledge the intellectual strength of the Stalinist argument. Merleau-Ponty's ignorance of Soviet realities makes his complaint look pitiful today. But then again, Irving Howe, who detested Stalin and the Stalinists and did know something about the Soviet Union, offered a parallel criticism ten years later in his *Politics and the Novel*. From Howe's point of view, Koestler's portrait of Marxist reasoning lacked the subtleties that Trotsky, in analyzing Soviet policy under Stalin, had displayed in *The Revolution Betrayed*—the analysis of social forces, and not just of philosophical truths and errors.

Howe's criticism does not look pitiful today. Koestler was hugely talented at posing big questions in marvelously simple ways, but he was not always interested in allowing for the little sub-complexities. He wrote essays pontificating on political ends and means, and the essays tend to be altogether too simple—essays that, like Max Eastman's, were aimed at a mass reading public, without managing to achieve Eastman's level of crafty sophistication. Koestler's single most famous essay from the 1940s, "The Yogi and the Commissar," ran in Cyril Connolly's

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Horizon magazine in England in 1942 and was altogether formulaic—the kind of easy posing of antinomies that makes for a provocative "think piece" but does not bear re-thinking. Koestler argued that, in order to achieve social progress, we need political people to display the qualities of a yogi, saintly, non-violent, and concerned with the inner soul, but also the qualities of a commissar, ruthlessly willing to impose social reforms on everyone else, sometimes even with violence, if necessary. And the two kinds of politics can never be blended. A worthy argument; but Connolly published worthier ones.

Koestler wrote essays on narrowly Soviet themes—in the 1940s, everyone who was anyone tried to define the nature of Soviet society and to explain what had happened to the Russian Revolution—and his essays on Soviet topics likewise seem to me entirely respectable, and yet not especially rewarding to read a couple of generations later. In his essays on Soviet themes, Koestler even managed to contradict the position he took in *Darkness at Noon*. He argued in the essays that communism's big mistake was, instead of having incorporated a religious quality, to have failed to incorporate a religious quality.

So Irving Howe had a point. But it is not much of a point (which Howe himself seems to have recognized many years later, with a comment, in the introduction to a reprint of *Politics and the Novel*, on his own "hobbling preconceptions" derived from his "socialist youth and anti-Stalinist Marxism"). For even if Rubashov's Marxist analyses, in Koestler's presentation, lack something of Trotsky's flair, the presentation is good enough to convince us that Rubashov is definitely a Marxist—someone who ruminates seriously about the laws of history and the fate of the proletariat. And Koestler's presentation of Rubashov's fleeting counter-ruminations is likewise good enough to show us that, for all his Bolshevik cult of inhumanity, Rubashov harbors some better instincts, and the Marxist ruminations and the moral reservations are in tension with one another. But the true and wild peculiarity of *Darkness at Noon* depends mostly on something else, and this is what Koestler tells us about Rubashov the man, instead of Rubashov the Marxist theoretician. And what sort of man is he?

It is odd to reflect that, back in 1947, when Merleau-Ponty published his fellow-traveling criticism of *Darkness at Noon*, and then in 1957, when Howe published his anti-fellow-traveling observations, neither of those critics gave much thought to the landscape of the novel. And yet a novel that begins with a sentence like "The cell door slammed behind Rubashov" could not be clearer on the importance of the landscape. Koestler wants us to know from the outset that, like Leatherstockings in the wilds of the New World, Rubashov is a man at home in the netherworld of cellblocks and iron bars. Someone steely, canny, selfless, fatefully hardened. But then, if Rubashov is a man of the jails, everything he proceeds to do makes pretty good sense even without our having to examine the Marxist arguments about the Russian Revolution. A steely willingness to suffer, together with a willingness to inflict horrible suffering on other people, together with a self-sacrificing cult of absolute loyalty to still other people—why, this is prison culture itself.

The penitentiaries of America right now contain, I am sure, any number of gang members or mafiosi who could win a little mercy from the court or even get themselves released, if only they would blurt out a few all-too-true revelations about their gang mates or bosses. And yet the tough-guy prisoners who feel no compunction about ruining other people's lives feel no compunction about ruining their own lives as well, so long as they can go on demonstrating a steadfast fidelity to their single, beloved principle—their fealty, unshakeable and all-consuming, to the gang and its leaders. Prison culture overlaps with gang culture on this point. Rubashov, then—who is this man? A product of the refined intelligentsia, yes; someone with a book-learned philosophy of history. But also a prisoner like many another—someone who knows the arcana of the jails and exhibits the special toughness of a hard-bitten prisoner and who, by the same token, agrees to take a fall for the benefit of his comrades from the underworld, which in this case means the Bolshevik Party.

Koestler's special innovation, his shocking contribution to nearly a century's worth of Russian or Russian-influenced left-wing prison literature, was to present us with a classic revolutionary prisoner from out of nineteenth-century Russia—whose jailers, instead of being the turnkeys and wardens of the czar, are themselves left-wing revolutionaries, willing to debate their prisoner point for point on who is truer and more authentic in his commitment to the revolutionary cause. The interrogators might even be regarded as superior representatives of the cause—superior because they come from the lower class, and Rubashov is a man of the intelligentsia, someone who holds one of his clandestine revolutionary meetings in an art museum. Merleau-Ponty seized on the various class backgrounds of Koestler's characters as one more shard of evidence to indicate that Rubashov is, in fact, a counter-revolutionary, and the real-life Stalinists were leading a genuine proletarian revolution, even if not a perfect one.

But if you accept as a given the old nineteenth-century heroic notion of the intellectuals and their role in history, and if you accept the Russian prison variation on the heroic idea, then Rubashov, this man of educated refinement and cell-block canniness, makes an irresistibly attractive hero. He is Chernyshevsky's Rakhmetov. He is the Kropotkin of *Memoirs of an Anarchist*. He is the ideal revolutionary of Nechayev's *Catechism*. He is the Berkman of *Prison Memoirs*. It is not a matter of whether Rubashov is right or wrong on any particular political issue. It is a matter of innate personality. He is the Promethean ideal, in the tortured version that had emerged from the czarist dungeons. And in composing that one sentence, "The cell door slammed behind Rubashov," Koestler has confronted his readers with an indisputably neat conundrum.

Every high-minded tradition of nineteenth- and early twentieth-century European literature and culture, on its left-wing side, instructs us to admire Rubashov—to revere his unyielding ferocity and his commitment to the Cause, even if Koestler has made us aware of how badly the party under the leadership of Number One has bungled the Cause. And yet, to the degree that we admire Rubashov, we are going to have to condemn the Communist system that has set out to crush him. We are going to have to recognize that the grandest heroes of the anti-czarist revolutionary movement have ended up incarcerated in Bolshevism's anti-czarist prisons; and the logic of nineteenth-century Promethean hero-worship, which has led us into admiration of Bolshevism, is willy-nilly going to lead us into anti-Bolshevism. The more we appreciate revolutionary virtue, the greater will be our loathing of the Bolshevik system. There is no way out of this conundrum. The story of prison life in the Soviet Union leads to no other possibility; and the story of prison life in the Soviet Union cannot be avoided.

This was not a small insight on Koestler's part. This was the nub of the matter. His readers back in the 1940s, at least some of them, sensed the importance of the book as soon as it came out. (Though, as Scammell tells us, the book came out

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in different countries at different times, and was received in different ways—quietly and without much enthusiasm in Britain; a prestigious and commercial success in the United States; delayed in France because of the Nazi occupation and the war and then received with vast enthusiasm and crucially important political consequences, devastating for French communism; delayed in Germany even after the war because the British were fearful of annoying the Soviet Union; published in Hungary in samizdat only in the 1980s, etc.) But Koestler's achievement has only become more evident with time. For what were the criticisms and revelations that ultimately undid the Communist movement a few decades after *Darkness at Noon* came out—undid communism, that is, in its original motherland, which was the world of literature and the high-minded intellectuals?

IV.

I will propose an answer by glancing back at Alexander Berkman and his subsequent fate, once he was released from the Pittsburgh penitentiary, in 1906. Berkman took a job as an organizer for a Jewish labor organization, the Workmen's Circle—a democratic socialist and Yiddishist fraternal order. He wrote his *Prison Memoirs*. According to the historian Paul Avrich, he may have kept up his violent anti-capitalist conspiracies, too—which is easy to believe, given that, along with his fraternal organizing and his autobiographical writing, he published a hard-line anarchist magazine in San Francisco called, not quite anti-violently, *The Blast*. And then, in the last days of 1919, Berkman was deported from the United States to the newly revolutionary Russia, together with Emma Goldman and a few hundred other militants of the anarchist and anarcho-syndicalist movement in America. He was welcomed in Russia as a hero—a man who, during his years in faraway capitalist America, had lived his life according to the most exacting tenets of the old-fashioned Russian revolutionary ideal.

Russia's revolution was already veering in Bolshevik directions, though. The Bolshevik government was about two years old, and it had not yet succeeded in crushing the other left-wing parties—the Anarchists, the Mensheviks (or social democrats), the Left Social-Revolutionaries, the Right Social-Revolutionaries, the Zionist-Socialists, and so forth, some of whom enjoyed a lot of support in various corners of the Soviet Union, and most of whom stood adamantly opposed to the establishment of any kind of dictatorship. But Lenin had already ordered mass shootings and arrests. The left-wing parties protested. They brought a revolutionary prestige to their protests, too. Kropotkin was by then an elderly figure, living out his last years, but his status among Russians was immense. Some sixty thousand people came out to greet him upon his return from exile, after the overthrow of the czar. In his final political act, he composed a broad criticism of Bolshevik policies and sent it privately to Lenin, and made some of it public, too: a severe reproach, setting out the do's and don'ts of a proper revolution and offering the sincere recommendation that, if Lenin wanted to create an attractive future for the Soviet Union, he ought to encourage a free political and economic system instead of a centralized tyranny. Kropotkin even advised Lenin to emulate a few virtues of the United States of America, and not to go on assuming, as Lenin did, that America's wealth and strength were merely the booty of imperialist violence—a clear indication that, by the end of his life, Kropotkin's version of the anarchist doctrine was tilting in liberal directions.

Kropotkin died in 1921, and his funeral in Moscow proved to be the last legal

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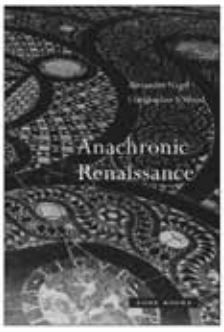

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anti-Bolshevik mass political demonstration to take place in the Soviet Union until the days of Mikhail Gorbachev. Alexander Berkman was Kropotkin's follower in matters of anarchist philosophy, and, given his own prestige, he played a big role in organizing the funeral. He also made his own protest to Lenin. And then, with the direction of events all too obvious in the Soviet Union, Berkman fled to Berlin, and then to France. He threw himself back into one of the traditional campaigns of the far left from czarist times, which was to mobilize left-wing energies to support the imprisoned revolutionaries of Russia—the victims of Russia's jails and camps. Only this time the persecuted and imprisoned anarchists were victims of the Bolsheviks, not of the czars. Berkman established something called the Russian Aid Fund, a prisoner support organization, which sent packages to the persecuted comrades and tried to document their circumstances and to alert the world to their fate, not that many people were paying attention. Still, Berkman had his admirers in different places around the world.

He died in 1936, a suicide owing to bad health. A number of his comrades stepped forward to continue his work, and the most energetic of those people was a younger member of the Kropotkin funeral committee in Moscow named G. P. Maximoff—a man who had played a significant role in the original revolutions of 1917 and then helped to bring out an anarchist newspaper in Petrograd and Moscow and then, given his opposition to the new dictatorship, ended up with some prison experience of his own. Maximoff fled to Berlin, then to Chicago. He earned his living as a wallpaper-hanger. In his free time, though, he kept up the documentary labor, and he compiled his investigations in a systematic fashion, and ultimately he came out with a 624-page volume. Maximoff called his book *The Guillotine at Work: Twenty Years of Terror in Russia (Data and Documents)*. It came out in 1940—the year of Hemingway's *For Whom the Bell Tolls*, Wilson's *To the Finland Station*, Hook's *Reason, Social Myths, and Democracy*, and Eastman's essay in *Reader's Digest*; the year in which Koestler completed *Darkness at Noon*.

Maximoff suffered a comparative disadvantage in bringing out his own book. From his refugee's blue-collar home in Chicago, he knew how to call on the support of the solid left-wing anti-Communists of the American labor movement; but those people tended to be immigrants, exiles, and ordinary workers like himself. He did not know how to reach out to the mainstream journalists and intellectuals in America or anywhere else. Or maybe, as a movement anarchist, Maximoff was in no rush to reach out. And so his extraordinary book was published by a little committee of his own allies called the Chicago Section of the Alexander Berkman Fund, who drew their own support chiefly from Berkman's old fraternal order, the Workmen's Circle, and from the International Ladies' Garment Workers Union (where the anarchists were part of the power structure) and a scattering of Russian and anarchist groups in the United States.

I suppose that, in several corners of the American labor movement, Maximoff's fat volume may have exercised an influence—one more factor contributing to the anti-totalitarian idealism of the Garment Workers Union and some of the other people in the American Federation of Labor. If his book aroused any interest in the general press or among mainstream intellectuals, I am not aware of it. The first half of the book has been kept in print by a variety of anarchist organizations in recent years, but it has been a number of generations since the disciples of Bakunin or Kropotkin exercised even the slightest influence within the American labor movement. The second half of Maximoff's book, which contains the crucial documentation, is completely unavailable nowadays, except in a few libraries and among a very few secondhand book dealers. I would be surprised to learn that more than a handful of this magazine's readers have ever heard of this book.

Even so, of the various works from 1940 that I have been discussing, Maximoff's *The Guillotine at Work* has got to be the most powerful, emotionally speaking, and the most convincing, intellectually speaking, and the most horrifying, morally speaking. The book portrays Lenin as a monster, committed to murders and terror on the hugest of scales. The book documents the portrait. The book recounts the several phases of Lenin's policy year by year, beginning in April 1918, when the Moscow Anarchists were suppressed. The book explains the mass consequences of Lenin's policy, beginning with a politically induced famine as early as 1921. The book recounts the gradual destruction of any sort of political freedom in the Soviet Union. The book proposes a few statistical consequences.

In Maximoff's analysis, "Lenin's Marxist experiment cost Russia, the general havoc and destruction excepted, from ten to twelve million lives"—though he considers that his figure is an underestimation. The book offers cultural judgments: "Russian literature, the bold, rebellious, enlightening Russian literature, which never bowed its head to any despot, a literature representing the highest pinnacle of morality, has now become fear-ridden, an instrument for turning the people into slaves and eunuchs"; "Art and music have the status of literature and have to submit to every high-ranking idiot." And so on, none of which looks foolish or excessive today.

Yet the most horrifying aspect of *The Guillotine at Work* lies mostly in Part Two, its final three hundred pages, which documents the fate of the Russian anarchists. The anarchists made the mistake of collaborating with the Bolsheviks in the early stages of the Russian revolution—an error that Maximoff never seems to have fully recognized. And then, once Lenin had consolidated his power, the Bolsheviks set out systematically, as Maximoff demonstrates, to annihilate their anarchist allies—all of which Maximoff documents, sometimes with quotations from official Soviet publications, sometimes with anarchist manifestos of the time, or with excerpts from anarchist and Bolshevik newspapers, together with the most chilling of smuggled letters and personal testimonies from a large number of people.

The chapter headings and subheadings tell the story: "The Persecution of the Anarchists in Ukraine." "Revolutionists are Executed in Kharkov." "The Persecution of the Anarchists in Great Russia." "A Letter from the Anarchists in the Riazan Prison." "The Appeals from Taganka Prison" (in which various people announce that they are being starved to death). "Cell No. 4 on Hunger Strike." A manifesto addressed "To the Workers of the World," explaining: "The latest news from Russia troubles us very deeply: *the Bolsheviks decided to kill off the Anarchists in prison*." "Hunger Strikes of the Anarchist Universalists." "Transfer of All Politicals to Solovietzki Islands." "Two Comrades Disappear." "Solovietski Monastery" ("The brutalities perpetrated against the prisoners in the Solovietski Monastery are beyond description.... Prisoners in this inhuman place are mercilessly beaten for the slightest infraction of the rules, undressed and forced to stand naked in a dark cell, with a temperature below zero. At the present time two prisoners, Klysiev and Zapechin, are lying there crippled with hands and feet frozen off, spitting blood and awaiting death as the only release from their sufferings.") "Driving Politicals to Suicide" ("Conditions in the Yaroslavl polit-isolator can be better imagined than described—

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conditions that have driven the peasant Anarchist Grigoryev to attempt suicide by means of burning himself alive"). And all of this is accompanied with lists of names and sometimes photographs, together with an account of what is known of this or that comrade: "in the Lefortov prison," "probably dead," "in exile in Obdorsk, Uralsk District, Siberia," "exiled to the Narim District, Siberia," "in complete isolation," not to mention typhus, beatings, and so on.

Three hundred pages of this go a long way, even apart from the previous hundreds of pages on the topic of Lenin's goals and style of thought. Maximoff's message does sink in. You realize that you are reading a documentary history of the extermination of a mass movement, perpetrated by a mad fanatic and his followers. And the movement undergoing extermination consists of precisely the kind of personalities who arose over the course of the nineteenth century to struggle against the czars. The prison-hardened ultra-idealists. The people devoted to the Cause more than to their own lives.

You also realize, reading Maximoff's *The Guillotine at Work*, that here is a kind of preliminary draft of Solzhenitsyn's *The Gulag Archipelago*. Did Solzhenitsyn know anything about Maximoff's great work? Solzhenitsyn definitely knew some of the imprisoned anarchists. In his novels he describes in a somewhat sympathetic fashion the admirers of Kropotkin, living out their fate in Siberian exile. But he appears not to have known anything about Maximoff. Michael Scammell is the biographer of Solzhenitsyn as well as of Koestler, and, though his biography of Solzhenitsyn is enormous (as is the biography of Koestler), Maximoff's name never comes up. Anyway, it is hard to imagine how Solzhenitsyn could have stumbled across Maximoff's fat volume. Maximoff wrote in Russian, but the Chicago Section of the Alexander Berkman Fund published the book in English translation.

It goes without saying that *The Guillotine at Work* lacks some of the rhetorical force of *The Gulag Archipelago*. Maximoff was a man of literary talent, even so. In reading his book, you already begin to glimpse the power that Solzhenitsyn's work would prove to wield decades later. For here, in *The Guillotine at Work* in 1940, is already a total demolition, intellectually speaking, of what Alexander Berkman called, in a pamphlet of his own, "The Bolshevik Myth"—a total demolition because it blows up the Communist idea at its foundation. And what is that foundation? This is worth defining.

Marx, in his own masterwork, *Capital*, wrote about the horrors of poverty, exploitation, famine, and class inequality. Maximoff writes about similar things. But Maximoff's masterwork focused mostly on the horrors of incarceration. *The Guillotine at Work* and *The Gulag Archipelago* are identical in this respect. These are books about jails, not about wages. Imprisonment, not exploitation. About the Solovietski Monastery and the Moscow Taganka prison, not about factories and farms. These books offered the revelation that, under communism, the old czarist prison system, instead of withering away, had gone into bloom. And the revelation that communism's prisons had destroyed the old Russian heroes en masse—whole movements of those heroes, not just Peter Kropotkin's faithful readers and followers, but the Mensheviks, too, the readers of Karl Kautsky, together with the Social-Revolutionaries and everyone else. *This* was the news that broke communism's back—the prison news, and not the revelation that, under communism, the proletariat had failed to thrive, even if it was true that, under communism, the proletariat had failed to thrive.

What was *Darkness at Noon*, then? It was a beautifully simple fable, exposing this reality. It told a story about the classic Russian prison hero, destroyed by the Communists—in Rubashov's case,

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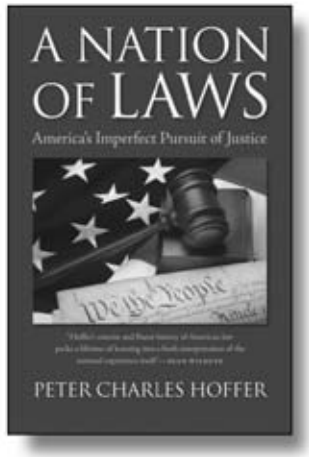

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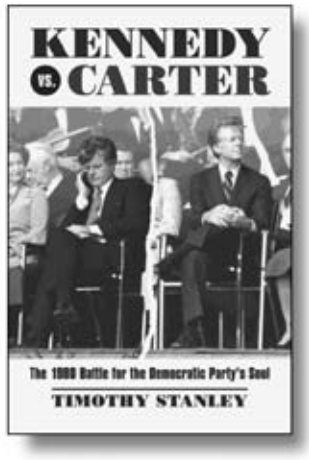

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destroyed with his own approval. Self-destroyed. This was the heart of the matter. Koestler filled his tale with eerily accurate details, too—or at least, in reading *Darkness at Noon*, we intuitively believe that he has done so. And we readers are right to believe this. Those opening lines of *Darkness at Noon*, the lines in which Rubashov begins to size up his prison cell, "The cell door slammed behind Rubashov," and so on, leading to the moment when Rubashov inquires about the political crimes of his cell-block neighbors—those opening lines hit a distinctly recognizable note.

On page 426 of *The Guillotine at Work*, G. P. Maximoff records his own experience of getting thrown into a Bolshevik prison:

> The key clanged and I was shoved into a tiny cell. Another clang of the key and life was left at the other side. I stood still at the door, staring in bewilderment.
>
> The cell represented a tiny room with one window, set below the level of the ground and latticed with iron bars. The window opened into a courtyard facing some mysterious barns. Along the wall, stretching from the door to the window, were plank-beds from which four pairs of eyes were staring fixedly at me. One of them belonged to a pain-wracked, huddled figure, fixed in a seated position upon the plank-beds. The sight of it sent a shiver through my body[....]
>
> "Why were you arrested?" one of them asked.
>
> "Because I refused to carry out police duties while in the army, having submitted a written declaration to that effect."
>
> "Ah..." One of them drawled, "you're in a bad fix ... What are you—Menshevik or Social Revolutionary?"
>
> "No. I am an Anarchist."
>
> "An-ar-chist!" ... He drawled out the word in amazement. "Are you people getting arrested too?"
>
> "It looks that way," I answered.
>
> "You say," the second one questioned again, "because you refused.... Well, then you are a finished man."

Somehow Arthur Koestler got every little detail right.

V.

Koestler may have gotten some big details right as well. Reading *Darkness at Noon* in our own time, we are bound to notice that a few points of contact between prison culture and monstrous totalitarian movements do seem to have popped up, after all, in zones well beyond the ancient realms of the czarist empire. Lately I have been reading various writings by the followers of Hassan Al Banna, the founder of the Muslim Brotherhood, and I am struck by how prominently the world of prison and prison culture figures in this literature. Tariq Ramadan, the Swiss Islamic philosopher of our day, who is Al Banna's grandson, has written a book largely devoted to his grandfather, *Aux sources du renouveau musulman*, or *The Roots of the Muslim Renewal*, in which he accounts for the terrorist trend within the Muslim Brotherhood by pointing to the mass arrests and prison experiences of the 1950s and '60s, under the tyrannical rule of Gamal Abdel Nasser, the president of Egypt. In Ramadan's view, it was the Egyptian prisons that created the terrorist current within the Islamist movement, and nothing that could be traced back to the doctrines of Al Banna himself. Ramadan's argument leaves me unconvinced.

But the notion that mass incarceration may have contributed to a perversion of a politicized Islam is easy to accept. Anyway, Ramadan refers his readers to a greater expert on Al Banna than himself, and this is Sheikh Yusuf Al Qaradawi, whom Ramadan reveres. And Qaradawi, as I discover, looks on the contributions of prisons to the Islamist movement in a different light. Qaradawi wrote a book called *Islamic Education and Hassan al-Banna*, in which he defines the Islamist movement's highest goal, which turns out to be educational—the constructing of a new sort of person, Islamically perfect. And where will this ideal new person be most likely to arise? "The prison-cells saw such deeds of mutual aid and sacrifice which these scarce pages prevent from being written down," Qaradawi writes, recalling the incarcerations that he himself knew about firsthand. Some of the imprisoned Muslim Brothers took upon themselves the sufferings that otherwise might have fallen upon their comrades: "Many youths bore the torment of the prison-houses even more than their strength and power, merely to relieve such brothers, who were possessors of large families or who had no strength to bear the extremity of such torture."

Prison, then—here is the site of the Muslim Brotherhood's greatest triumphs, as Qaradawi would have it. Then again, Qaradawi's *Islamic Education and Hassan al-Banna* was published in English translation back in 1984—and in the years that followed, the Islamist movement has developed a better method yet of achieving selfless virtue and self-sacrifice, or what Qaradawi calls "love." This is suicide terrorism—of which Sheikh Qaradawi is the leading mainstream theological champion within Sunni Islam. What is suicide terror, if not a surefire method of achieving perfect selflessness—the absolute sacrifice, the bearing of torment for other people?

Reading Koestler and the Islamist writers together makes me think about not just the prisons of Egypt, as Ramadan and Qaradawi ask us to do, but also about the prisons of Iran. The Shah's prisons in pre-revolutionary Iran produced a crop of selfless prison Islamists—the heroes of perfect virtue. And now the Islamist prisons contain their own crop of selfless Islamists, who are likewise heroes of perfect virtue. And the conundrum that Koestler painted so lucidly and simply in *Darkness at Noon*—a picture of virtuous heroes, persecuted by still other virtuous heroes, arguing amongst themselves about who is the most virtuous of all—has become a news story, and not just a fable; a problem for foreign policy.

The most interesting period of Arthur Koestler's hugely interesting life, to my eyes, lasted about fifteen years, and began with the turn against communism that led him to write his great novel. In his earlier years, when he was a Revisionist Zionist, he knew who he was for (the Zionists) and who he was against (Zionism's enemies). When he became a Communist in the early 1930s, he moved into an equally simple universe, with Communists he favored, and anti-Communists he opposed. But the man who wrote *Darkness at Noon* lived in a world of complications—of Communists whom he opposed, and of fascists, who were communism's enemies, whom he opposed even more urgently. He upheld in those years an ethic of democratic socialism, which meant he stood in opposition, as well, to economic arrangements that seemed likely to produce poverty and inequality.

And so he had no end of enemies. But he did know how to rank his enemies—the fascists at the top, the Communists next below, the capitalists still further down the list. And he knew how to accept friendships and allies in nuanced order, as well, not excluding an alliance with the conservatives, if they were democratic-minded, even if he otherwise disliked conservatives. In the middle of World War II, he was capable of writing: "In this war we are fighting against a total lie in the name of a half-truth." Nuance never seemed to discourage him, though. Nor did he lose his talent for making these kinds of distinctions in the period after the war. He was a European social-

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ist who understood, in the worst days of the Cold War, that anti-socialist America was Europe's best hope.

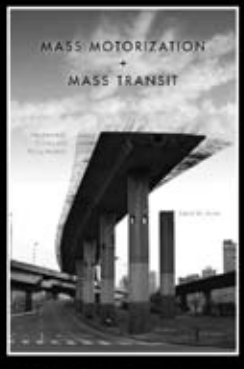
Inevitably Koestler found himself upholding unpopular positions, or at least political positions that were difficult to explain. But he was a genius at journalism, which meant that, no matter how knotty or subtle his argument, he knew how to present it to a general reading public in fairly simple terms, and with a good humor, too—which, in the journalism of ideas, may be the key to everything. The pleasure that he took in explaining his own views seems to have fortified him sufficiently to allow him to shrug off the hostility that was always coming his way. But what strikes me especially is Scammell's thorough and judicious account of Koestler's organizational activities and agitations as well.

Koestler visited the United States in 1948, though it was difficult for him to obtain a visa, given his background in the Communist Party (which is not to suggest that every non-American writer undergoing visa problems in entering the United States ought to be seen as an Arthur Koestler). He struck up relations with the group of New York intellectuals around *Partisan Review*—writers who, as Scammell observes, tended to be a little shrewder on questions of international politics than their European counterparts of those days. Scammell offers a number of excellent cameo portraits of the *Partisan* intellectuals (though he makes an uncharacteristic error in describing Sidney Hook as an ex-Trotskyist). And, as Scammell recounts, Koestler and the New York intellectuals, joining together, organized a remarkable campaign on behalf of liberal ideas and against Communist and Communist-influenced ideas.

Scammell feels a palpable admiration for Koestler, which is one of the charms of the biography, and in his enthusiasm he attributes a large part of the inspiration for this campaign to Koestler himself. I think he underestimates the influence of Hook, who, back in 1939, had already put together a Committee for Cultural Freedom; and he also underestimates the traditions of the American unions with their socialist influences—the International Ladies' Garment Workers especially, the same union that had subsidized Maximoff's *The Guillotine at Work*. Hook's Committee for Cultural Freedom evolved in time into an international organization, the Congress for Cultural Freedom, which enjoyed still more subsidies from the Garment Workers and from the agitations of the union's active foreign bureau (though ultimately it benefited also from the CIA). Those were the glory days of the labor-intellectual alliance—a liberal and socialist alliance, dedicated to putting up a fight against the totalitarianisms of right and left.

But Scammell is right in emphasizing how active and effective was Koestler's role in the Congress for Cultural Freedom and its related committees and campaigns in the years around 1950—the activities that went from a famous Berlin congress of anti-Communist intellectuals in 1950 to the establishing of Radio Free Europe and other efforts to reach across the Iron Curtain into the Soviet zone with arguments and news, and not just with military threats and nuclear standoffs. The Congress for Cultural Freedom and its related groups and activities played a big role in persuading intellectuals in the non-Communist parts of Europe to remain non-Communist.

These projects added up to something that Koestler, in his ex-Communist mode, liked to call the "Deminform"—which was a play on the "Cominform," or Communist Information Bureau, and, in any case, drew on his experience in the early and middle 1930s as part of Willi Münzenberg's Communist propaganda network. Here was a case of fighting fire



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with fire—of countering the Communist campaign among intellectuals with a liberal campaign among intellectuals, not with propaganda but with true and sincere arguments. An argument for democracy, instead of for communism—which, after a few decades, as we have reason to know today, did make a difference.

Reading Scammell's account, I begin to grow a little indignant about the intellectual scene in our own moment, a couple of generations after the major achievements of the Congress for Cultural Freedom. It is very odd that nothing like the Congress for Cultural Freedom exists in our time. A tremendous intellectual debate is taking place right now across huge portions of the world, with the Islamists

Arthur Koestler addressing the Congress for Cultural Freedom, June 1950. (Sidney Hook is at lower right.)

on one side and a variety of anti-totalitarian liberals, Muslim and non-Muslim, on the other. But the kinds of liberal congresses and campaigns that Scammell describes have never taken place in our day, not on a grand scale anyway. We have human rights organizations, but we do not have sustained campaigns on behalf of the persecuted liberals in countries where organizations such as the Muslim Brotherhood wield a lot of influence. We do not even have the kinds of congresses or conferences that would allow liberal-minded writers from different countries and speaking different languages to meet each other and discuss their respective experiences and thoughts. Nor do we have any kind of sustained and coordinated effort to translate books and essays from one language to another—not on a truly large scale. On matters such as these, Hook, the old socialists of the American labor movement, Koestler, his comrade Manès Sperber in France, and their various colleagues of the 1940s were way ahead of us.

VI.

Koestler was a close friend of both Orwell and Camus, which is remarkable to consider, given that in the 1940s these three men were the greatest writers anywhere in the world on totalitarian themes, and they had every reason to regard each other with rivalrous suspicion, not to mention other grounds for rivalry and suspicion—in the case of Koestler and Camus, an interest in the same woman, Mamaine Paget, who became Koestler's wife and had a serious affair with Camus (and was meanwhile earnestly courted by a smitten Edmund Wilson, and turned away a pass from Jean-Paul Sartre, and must have been quite a woman). Orwell and Camus died in their forties (and Mamaine Paget in her thirties). Scammell finds himself wondering whether Koestler's reputation might not be stronger today if only he, too, had died young.

This seems to me probable. Koestler had always asked all sorts of mysterious questions—about the soul and the meaning of the universe and that sort of thing—and the mysterious questions lent a gravity to his writing. In the second half of his career, however, he made the mistake of coming up with answers. He set out to criticize Darwinian science and to promote semi-scientific or pseudo-scientific notions of parapsychology, hallucinogenic drugs, and various mystical speculations. Some of those writings continue to have their champions, and they may even possess the great qualities that Scammell attributes to certain passages. But as Scammell ruefully acknowledges, the explorations in parapsychology and other themes looked a little dubious even at the time, and they have not taken on a greater solidity since. Anyway, even at their best, Koestler's scientific and semi-scientific writings muddied the image that we retain of Koestler himself.

A great writer's greatest creation must always be himself—the narrator who seems to be in command of a unique wisdom or a special magic, whose tales and explanations we will gladly follow from book to book out of the pleasurable belief that something rare and delightful is to be gained. Orwell managed to create such a character, whom we know as "Orwell," and likewise Camus, who created "Camus." But Koestler began to lose a sense of who was "Koestler." He may have been a victim of his own most reliable gift, which was popular exposition—his journalist's talent. He knew how to identify his readers and how to ingratiate himself with them, how to address their concerns and assumptions and how to find the proper tone. And this meant that, when he wrote for *Horizon* or the London *Tribune*, he presented himself as virtually an Englishman, and when he wrote for *The New York Times Magazine*, he presented himself as virtually an American. Scammell tells us that Koestler went out of his way to dress in idiosyncratically English styles. But he never did learn to make the "w" sound.

He was never able to arrive at a stable sense of his own Jewish identity. In *Arrow in the Blue*, he recounts how his aunt and her family were arrested in Czechoslovakia and sent to Auschwitz to be killed. But the event passes like one more remarkable incident among a series of such events—only to be followed, a hundred pages or so later, by a confused meditation on how Judaism is a racist doctrine. On Jewish matters, Koestler veered erratically from the sort of Central European mini-nationalism that informed Jabotinsky's Zionism to the sort of maxi-anti-nationalism that led him, in the last of his major books, *The Thirteenth Tribe*, to entertain absurd and discredited theories about the ethnic history of the East European and Russian Jews,

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and ultimately to suggest that Jewishness itself is based on a misunderstanding, which could be cleared up if only the Jews would agree to cease being Jews.

I do not mean to suggest that Koestler failed to take in the news about Nazism or to respond honorably. On the contrary, he was exemplary in his response. He sent one of his finest essays, "On Disbelieving Atrocities," to *The New York Times Magazine*, which published it in 1944, describing with wonderful and characteristic simplicity the difficulties of a writer who is trying to communicate horrific news to a skeptical public—the conundrum of someone who sounds like "a screamer," and who thinks that screaming is an appropriate thing to do, given the reality of the moment, but who knows that screaming is likely to arouse still more skepticism among his uninformed readers. "Distance in space and time degrades intensity of awareness," he wrote. "So does magnitude. Seventeen is a figure which I know intimately like a friend; fifty billion is just a sound. A dog run over by a car upsets our emotional balance and digestion; three million Jews killed in Poland cause but a moderate uneasiness.... We are unable to embrace the total process with our awareness; we can only focus on little lumps of reality."

Only I suspect that, in order to make points like this, Koestler had to focus all of his energies into trying to imagine sympathetically the predicament of an ignorant American reader—someone distant in space from the people getting killed. And there was no energy left for trying sympathetically to understand his own predicament. "On Disbelieving Atrocities" remains a great essay, but it would have been greater if he had allowed us to appreciate more keenly that its author, the "screamer," was a man who could not make the "w" sound—that he was someone from a different part of the world entirely, and the terrible events were happening to his own family, and to people exactly like his family.

His ideas about philosophy and science veered with equal rapidity and violence, based on the happy fantasy that he himself was a man of science. He never seems to have realized that, in order to make himself seem consistent and interesting, he merely had to present himself as a full-fledged member of the Central European intelligentsia—the intellectual class of cities like Budapest and Vienna, who did have values and instincts of their own: the class of people who, back in the time of the czars, had looked with reverence on the prison martyrs of the Russian intelligentsia. But then again, a Central European intelligentsia has never existed in the English-speaking countries, where Koestler preferred to live. And then, once the world war had ended, the Central European intelligentsia turned out to have disappeared, pretty much, from Central Europe, as well—just as the intelligentsia had mostly disappeared from Soviet Russia. Koestler would have had to present himself as the last of the Mohicans (a phrase that he himself, as an old reader of Cooper, enjoyed using). But he preferred to go on with his fantasies about being an English gentleman of letters, and his fantasies about being a scientist.

Who was Koestler, then? His readers have always had reason to wonder. And it has to be further acknowledged that, in the end, there was something worse than eccentric about the man: there was something ghastly about him. He committed suicide in 1983 at the age of seventy-seven, arguably with a logic behind the act. He had been suffering from one difficult and incurable health condition for seven years by then, and had been diagnosed with a second incurable condition. He had not yet begun to suffer the truly terrible consequences of this double misfortune, and his doctors

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could not predict how long he might remain functional and reasonably intact—but still it is possible to understand how someone in such a circumstance might prefer to bring his life to an end right away, instead of awaiting a long and dreadful decline.

Yet his wife, too, committed suicide—in her case, with no logic at all to justify the act. She was fifty-five and in good health—someone who, even if she had adopted no new radical steps in life, could have gone on pursuing an interesting and socially useful career as the Widow Koestler, presiding over his writings and persecuting thievish publishers. Why did Cynthia Koestler join her husband in his suicide? Scammell remains discreetly quiet on this topic. This is a factual biography, not a speculative one. Scammell leads us to suppose, though, that Cynthia Koestler committed suicide partly because she and Koestler had long ago entered into a peculiar relationship of domination and dependence, which was sexual and more than sexual. Then again, I can also imagine (though Scammell says very little about this, apart from noting the strange word "self-deliverance" in Koestler's suicide note) that Koestler had worked up peculiar ideas of his own about suicide. He was addicted to scientific quackery by then. On matters of fact and science, there was not an ounce of common sense left in the man.

Scammell begins his biography with the double suicide, which is a macabre way to begin. But what else was he to do? The journalist in Koestler must have understood clearly that his wife's inexplicable suicide, if not his own more explicable one, was bound to cast a weird and troubling light over everything he had done until that final moment. The double suicide was destined to damage any lingering quality of the heroic in his long and generally honorable—even supremely honorable—career. But then why should a writer give a damn about maintaining his own reputation for heroism? The notion that writers ought to be heroic is another legacy of the nineteenth century and its idea of a romantic intelligentsia—it is the origin of the idea that, in Russia, led to the cult of the anti-czarist prison intellectual. But Koestler, it would seem, was done with heroism. To be done with heroism may sound, in our own age of professed modesty, like a virtue. It was not a virtue, though. It was a sin against his own lifetime of literary work. What to make of Arthur Koestler, then? Not even Scammell knows, which speaks well of this huge and scrupulous and unfailingly intelligent book. ◆

Eric A. Posner
THE LIMITS OF LIMITS

DOES THE CONSTITUTION FOLLOW THE FLAG?: THE EVOLUTION OF TERRITORIALITY IN AMERICAN LAW
By Kal Raustiala
(Oxford University Press, 328 pp., $29.95)

In 1898, American and Spanish officials signed the Treaty of Paris, which ended the Spanish-American War. Spain ceded Cuba, the Philippines, Puerto Rico, and other colonial possessions to the United States. The Spanish-American War had been fought in the name of Cuban freedom, and sentiment in the United States favored Cuban independence. But for most Americans, the other Spanish colonies seemed like the just fruits of conquest after a glorious war. The United States, already an economic colossus on the world stage, would take its rightful position as a great power on par with Britain, France, and Russia, with colonies to prove it.

Yet the United States was different from those countries. It had a written constitution that provided for limited government and a substantial tradition of democracy. The Constitution, as understood at the time, envisioned only two types of American territory: the states themselves, and the contiguous territories on the North American landmass that the United States controlled or was likely to acquire in the future. In 1898, it had been long established that people living in those territories have constitutional rights, and that the territories eventually become states.

For Americans who yearned for imperial glory and took the Constitution seriously, the acquisition of the Philippines and the other Spanish colonies posed a painful dilemma. If the Philippines was to be treated as any other American territory, then the inhabitants of that country—widely regarded at the time as racially and culturally inferior—would become Americans. One did not have to be a racist to believe that it would be impractical to absorb into the American polity millions of people living on islands thousands of miles from the American mainland. But if the Philippines was not to become an American territory, then it would need to be abandoned, in which case it would surely be taken back by Spain or swallowed up by some other empire. An American empire, great-power status, the chance to spread Christianity and American civilization to benighted natives, the economic and political benefits of possessing overseas territories—all this would be lost, and it would be lost to dangerous great-power rivals. Alfred Thayer Mahan, the influential theorist of naval power, commented that "any project of extending the sphere of the United States … is met by the constitutional lion in the path."

The constitutional mouse stepped aside. In a series of remarkable decisions known as the Insular Cases, the Supreme Court bridged the horns of the dilemma. The Court ruled that Congress and the president determine whether a territory is to be eventually granted statehood; and if not, then only "fundamental" constitutional rights would be enforced in that territory. Whatever those rights were, they did not include the right to democratic representation in the federal government. The Insular Cases opened the way for imperial rule, but their more important legacy was subtler. They established that a country based on principles of democracy and limited government could depart from those principles when exercising power abroad.

In 1902, meanwhile, Cuba had become independent. The United States did not hold this country as a colony, as it did with the Philippines, but the United States did take steps to ensure that Cuba remained in its sphere of influence. Withdrawal of American troops stationed there since the Spanish-American War was made conditional on Cuban acquiescence in various constraints on its foreign policy, including a stipulation that the United States may "intervene" in order to preserve "Cuban independence." In 1903, the United States obtained a ninety-nine-year lease of Guantánamo Bay from the Cuban government, later made indefinite. Under the terms of the lease, Cuba retained "sovereignty" but the United States was granted exclusive control of the area.

A hundred years later, lawyers for the executive branch would argue that people detained by American forces at

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Guantánamo Bay—Cubans and Haitians migrating in rickety boats but captured before they reached American shores, and then members of Al Qaeda and the Taliban—were located on foreign soil and therefore had no constitutional rights. The lawyers relied on a World War II–era case that suggested that aliens held by American forces on foreign territory did not enjoy habeas rights. Guantánamo Bay was not even a colony, as the Philippines had been; it was Cuban, not American, territory. So even if inhabitants of American colonies have certain fundamental rights, such as the right to habeas corpus, the Guantánamo detainees have none at all.

This argument prevailed in the courts for decades. But in 2008, the Supreme Court rejected the argument in the *Boumediene* case, holding that since the United States controlled Guantánamo Bay, it was a de facto American territory, and therefore habeas rights were available. Whether the detainees have any additional rights, even those enjoyed in the territories addressed by the Insular Cases, remains undetermined.

The Spanish-American War and the conflict over the detainment camp at Guantánamo Bay have more than a fortuitous geographic connection. They both reflect controversies over the use of American power abroad. In 1898, the debate took place straightforwardly in terms of empire: should the United States have an overseas empire like those of Britain and France? In the presidential campaign of 1900, William Jennings Bryan ran on an anti-imperialism platform. "We hold that the Constitution follows the flag.... Imperialism abroad will lead quickly and inevitably to despotism at home." Bryan lost, and so did the anti-imperial forces in American politics.Today the moral and political case for exercising power abroad—no longer imperialism in the nineteenth-century sense of gunboats and colonies, but imperialist in effect—is virtually unquestioned within the United States. What remains of the old debate is the legal controversy over the constitutional basis for the exercise of power abroad.

This controversy is the subject of a valuable new book by Kal Raustiala. For Raustiala, the master concept for understanding the evolution of the law is "territoriality." He argues that in fact many constitutional, legal, and political battles over the years have manifested themselves as conflicts about where the Constitution and American law apply. For Raustiala, there are two starting points for understanding this story. The first is the principle of Westphalian sovereignty. This principle, which holds that governments can regulate only their territories and not the territories of foreign nations, has its origin in the Peace of Westphalia in 1648, which ended the Thirty Years' War and established the modern state system. The second is the principle of equal citizenship, which is that the law applies equally to all citizens. This is a fundamental principle of liberal democracy.

The Westphalian principle reflected the hard-won insight that, in the long run, states do better by leaving each other alone than by trying to control each other. The principle is hardly as uncontroversial as it sounds. In the seventeenth century, leaving other states alone meant allowing the inhabitants of those foreign states to go to hell if they did not practice the true religion. Today it means allowing them to suffer a secular hell of abuse and despotism if they do not happen to live in a liberal democracy. In both eras, it has meant leaving states alone even if they are violent and unstable, and are accumulating weapons, and seem likely one day to threaten other states' security. The Westphalian principle has therefore been hard to live up to, but it remains central to international relations.

Raustiala argues that this principle has played an important role in shaping judicial doctrine. The truth is that it has played a minor role. American courts have never compelled the American government to respect the sovereignty of foreign states. Courts have played only a limited role involving vaguely worded statutes. Consider an antitrust statute that bans conspiracies in restraint of trade: if the statute has no explicit geographic limitation, then it could conceivably be interpreted to apply to foreign cartels that have no connection with the United States. American courts developed a so-called "presumption against extraterritoriality." This provides that when the statute does not explicitly refer to foreign activity, it will be presumed that it regulates only activity that takes place on American territory. The presumption sensibly limits the risk that Congress inadvertently offends a sovereign by enacting a general law that courts mistakenly apply to conduct on foreign territories.

All this changed in the twentieth century. As a great power with foreign interests, the United States sought to assert regulatory authority globally. Antitrust laws, drug laws, anti-terrorism laws, and many other laws now were applied to foreigners on foreign territory as long as their behavior had an effect in the United States (and sometimes not even then). These laws established a new pattern: the United States would in effect rule, or at least burden foreign populations, not as subject populations in colonies like in the Philippines, but simply by enacting extraterritorial law that penetrated the borders of the supposedly sovereign states that they inhabited.

Foreign countries, including America's closest allies, complained bitterly about these infringements on their sovereignty, but to no avail. Their corporations had to yield to American law in order to retain access to American markets. Terrorists, drug lords, and other criminals might have thought themselves safe as long as they did not travel to the United States. The United States could not send agents to foreign countries to arrest criminal suspects without violating international law; and although the United States on occasion has done so anyway, the practice has been controversial. But where foreign countries welcome American action rather than repudiate it, they have directed their law enforcement and military agencies to form partnerships with Washington. These partnerships gave rise to new constitutional questions. Did American agents who searched the Mex-

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ican residences of a Mexican criminal suspect have to respect normal Fourth Amendment restrictions? The Supreme Court held that they did not.

Raustiala argues that the purpose of the extraterritorial doctrines is "to manage and minimize the legal differences entrenched by Westphalian sovereignty." The courts could do this by discouraging extraterritorial legislation, which would offend foreign countries, and forcing the American government to comply with the Constitution when exercising power abroad, which would at least prevent executive overreaching and minimize the damage. Raustiala is right, to some extent. But if this is so, the courts have not tried very hard. The presumption against extraterritoriality is weak and inconsistently applied. The courts have held that the Constitution protects Americans abroad from arbitrary detention and other actions by the U.S. government (for example, on military bases), but it hardly ever protects foreigners abroad. The courts have always deferred to the government's determinations as to whether American sovereignty extends over some area. Respecting Westphalian sovereignty, avoiding offense to foreign governments—that is the business of the American government, not the courts. Far from trying to force the government to respect the Westphalian principle, the courts have eagerly participated in America's regulatory imperialism.

Raustiala never asks why courts have treated the Westphalian principle so lightly. Many people today believe that courts should do more to constrain the American government when it exerts power abroad. But the courts have resisted their arguments. Judges probably believe that they could not control executive conduct abroad even if they wanted to do so—the logistical challenges facing the territorially bound and decentralized judicial system are just too great; and in any event the courts depend for their legitimacy on the attitudes of Americans, not the foreigners they are asked to protect. Judges, who typically have a parochial background in law firm practice or prosecution, lack the capacity to evaluate the merits of an administration's foreign policy, and seem well aware of this.

Boumediene and other cases involving Guantánamo Bay might portend a change of heart, but it seems unlikely. These cases reflect longstanding judicial uneasiness with unconstrained executive power, not a newfound respect for the sovereignty of foreign nations. Indeed, in other recent cases the courts have continued their tradition of deferring to the political branches' foreign policy decisions regardless of whether those decisions might offend foreign sovereigns.

Let us turn now to Raustiala's second theme, the connection between the principle of equal citizenship and territory. Recall that a major principle of liberal constitutionalism is that all citizens receive equal treatment under the law. But which people count as citizens? Just the people who occupy a certain territory? Raustiala coins the unfortunate word "intraterritoriality" to refer to the extent to which rights depend on the geographical location, within American territory, in which a person is located. To understand what is at stake, imagine that the federal government wishes to abuse a group of people who live on American territory. If the government simply argues that the people do not deserve rights because they are inferior, courts might say that equal citizenship forbids such a result. But the government might choose to argue that the people live in a geographic area to which constitutional rights do not extend.

This alternative argument is not very convincing, which explains why the doctrines that Raustiala discusses are marginal. Doctrines of intraterritoriality include the rules created in the Insular Cases, which provided that the populations living in newly acquired territories destined never to become part of the United States receive second-class constitutional rights. The doctrines also include more obscure rules, now mostly defunct—those giving second-class constitutional rights to populations in certain designated Indian territories, Americans living in foreign enclaves subject to American jurisdiction, and Americans, including civilians, who live on American military bases overseas. Raustiala blandly concludes that these doctrines "reflect the tension between the demands of liberal constitutionalism and the imperatives of global power politics."

Up to a point, this is correct. Liberal constitutionalism implies that everyone ruled by the government has equal rights under the law. If the U.S. government does not want to make citizens of Filipinos, then it should not rule the Philippines. If national security and economic advantages nonetheless dictate territorial acquisition, then the demands of liberal constitutionalism must yield. And that is what happened, with the acquiescence of the courts.

But this is only a small part of the story—the great and important story of how Americans over the years decided who would belong to the American political community, and accordingly would be entitled to the protection of constitutional rights, including the right to democratic representation. Today, the answer is, very roughly: everyone born in the United States, whether or not they remain on American "territory," and, to a large extent, their children (even if not born on American territory). Quite a number of people on American territory do not belong to the American community and receive second-class constitutional rights: these are the tens of millions of resident aliens—none of whom has the right to vote in national elections.

Raustiala's focus on territoriality—on "intraterritoriality"—causes him to neglect this story. In the nineteenth century, the question of who belongs to the American political community was up for grabs. African Americans? Well, no. Residents of Chinese or Japanese descent? Nonwhite foreigners lacked naturalization rights until World War II. Women? They were citizens but did not obtain suffrage at the national level until 1920. Geography played a role, of course. No one thought that an Italian living in Rome was an American citizen. Some connection with the American mainland, or with people living there, was necessary. But the great battles concerned whether citizenship also depended on race, ethnicity, ancestry, and ideology. Since the United States was such a diverse place and—some Indian tribes apart—the people were geographically mixed, the great questions of citizenship at that time could not be resolved along geographical lines.

The courts mostly played an insignificant role in these disputes, but there were some exceptions. The Insular Cases were important. The Supreme Court also held that the U.S. government could not deprive Americans abroad of constitutional rights. But here it was pushing against an open door. The government had deprived certain American civilians on overseas military bases of the right to a jury and an independent judge, not because the government regarded them as less than fully American but because of logistical costs. The Supreme Court's most consequential decision defining the American political community was the *Dred Scott* case, where it held that Americans of African ancestry were not American citizens. By undermining political compromises that had carefully avoided taking a position on this divisive question, the Court helped to precipitate a civil war. After cooling its heels for a century, the Court weighed in again, this time with happier results, and helped the American political community

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reconcile itself to full citizenship rights for African Americans. Geography, territoriality, "intraterritoriality"—none of these ideas played an important role in these decisions.

The driving force is not geography itself, but the fact that people who live together tend to agree on basic political questions—if only to be able to get on with their lives. But when members of such a community spill over the borders, they usually take their citizenship with them; and when aliens pour in, they are not permitted to become citizens as of right. Thus, one's location on American soil, or in a particular area of American territory, is not a necessary or sufficient condition for American citizenship. The courts seem to have understood this point from the beginning, which explains why they have not made a fetish of geography.

Raustiala's two themes address, from different angles, the relationship between the courts' and the American government's exercise of power abroad. The courts could (but did not) limit uses of power by compelling the government to respect the Westphalian sovereignty of other states. And the courts could (but only modestly did) limit uses of power by compelling the government to grant rights to the foreign populations it ends up controlling. Still, even the modest constraints imposed by the Insular Cases turned out to be meaningless—because of the interesting evolution of the style of American imperialism.

After the Treaty of Paris, most Americans no doubt expected that the United States would have a glorious imperial future like that of Britain. That is not what happened. Woodrow Wilson and then Franklin Delano Roosevelt took a hard line against the traditional style of imperialism that featured territorial acquisition. This view would be reflected in the principle of self-determination that was incorporated in Wilson's Fourteen Points and then in the United Nations charter. Why the United States turned against imperialism has never been satisfactorily explained. The country's founding was itself an anti-imperialist revolution; and its ideological commitment to self-government was inconsistent with rule of foreign populations. These sentiments may well have influenced American policy over the years—Mexicans in territory conquered during the Mexican War became Americans rather than a subject population—but they did not block the Spanish-American War and imperial rule of the Philippines. By the twentieth century, the United States also had geopolitical reasons for opposing imperialism. It sought to gain access to markets controlled by the British and French empires. Opposing empire as a matter of policy could help pry open those markets; the only alternative—seizing the colonies—was obviously unpalatable.

But imperialism was also justified on the basis of security. Gibraltar served the British well during World War II; Guam and Hawaii (then a colony) contributed to the American war effort against Japan. Yet the United States seemed to realize, long before Britain and France did, that holding a colony against the wishes of its population was extremely costly. The United States was embroiled in a long and vicious war against insurgents in the Philippines, which featured torture and other atrocities on the American side that scandalized the public. The Boer War had a similar impact in Britain, but unlike the Americans, the British had dozens of imperial successes that counterbalanced the uneasiness that this controversial war generated about empire.

As the twentieth century progressed, Americans realized that the economic benefits of colonialism could be obtained through free-trade agreements and bilateral investment treaties, and that the military benefits could be secured through base agreements and military alliances. In extremis, small countries that were tempted away from the fold by hostile powers could be undermined internally or invaded, their governments replaced by people friendlier to the Americans—a costly and unpleasant business that was nonetheless a far cry from colonial administration. By the time of the Cold War, this new system was firmly in place.

The new system created a new legal landscape, which was very different from conventional imperialism involving territorial conquest. The Insular Cases could be regarded as dead letters, as constitutional aberrations. The new type of imperialism, if that is what it was—in which the United States offered aid and security in return for bases, constructed international trade and financial institutions that served American economic interests, and otherwise propped up allies while subverting adversaries—did not require territorial acquisition and colonial administration. Exerting power in these ways was not only more effective, it was also less troubling from a constitutional perspective.

The reason for this is not that modern imperialism is more benign than the old-fashioned type. The reason is that the Constitution reflects conventional assumptions about the nation-state: that the state is a vehicle for advancing the interests of the national population, and the government serves those interests, not

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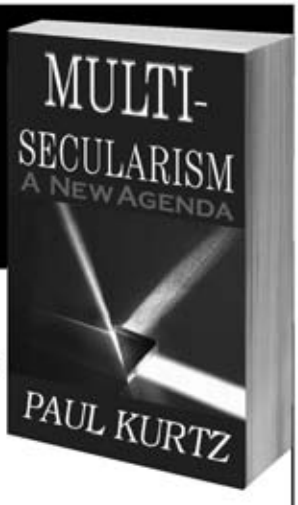

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the interests of particular foreigners or the world as a whole. Nothing in the Constitution suggests that Afghans or Iraqis have a say in the decision to invade their countries, or, for that matter, that Mexicans or Germans or Nigerians have a say in the American trade, agricultural, and energy policy decisions that have such a significant impact on their lives. If the American government extends its power abroad by conquering territory and absorbing populations, it must confront the question of whether those people now live "in" the United States and should have the rights of citizens; but if the government extends its power by offering aid and assistance to some countries and threatening others with sanctions and invasions, so as to obtain the identical economic and security benefits, the citizenship issue does not arise. The people in the affected territories remain foreigners, and thus not entitled to participation in our government.

From a constitutional perspective, the problem of American power over foreigners simply vanished. This development fits a pattern. When courts grant rights to enemies detained on American soil, the executive keeps them in colonies. If there are restrictions in the colonies, they can be put on military bases leased from foreign sovereigns. If some military bases, such as Guantánamo, are deemed de facto territory, the detainees can be moved abroad. If courts restrict detentions abroad, enemies can be handed over to foreign allies. Or captured by proxies. Or blown up by Predator strikes. Even after *Boumediene*, it is unlikely that courts will chase the executive to the far corners of the earth. But even if they do, the fact remains that, under our Constitution, foreigners do not have a say in these policy decisions.

Curiously, Americans do not seem to be bothered by this violation of the principle of self-rule: we can neglect the world as long as we appease the Founders. But foreigners do not wear our constitutional blinders. For many foreign critics, the American rejection of territorial conquest as "imperialism," while accomplishing the same ends in less visible and constitutionally awkward ways, is hypocrisy. This is the domain of *The Quiet American* and other literary blasts against American power—and a large new scholarly literature on American empire. But no one yearns for American isolationism, either. So is there an alternative?

A handful of philosophers and political scientists have suggested that the United States should be forced by institutional means to take into account the values and the interests of foreigners. Some imagine a kind of world government to which people around the globe send representatives. Their schemes are wildly impracticable, but their logic is impeccable. The United States is founded on an ideology that emphasizes self-government as a natural right. It was the violation of that right by the British that justified the secession of the American colonies. This logic implies that the United States must either allow foreigners affected by American policies to vote in American elections or refrain from exercising power abroad.

The problem with this argument is not just its lack of realism. It is the brute fact that if Americans gave Chinese, Indians, Indonesians, and Nigerians political rights, either in American institutions or via global government, the result would not be the expansion of human rights around the world but the contraction of human rights in the West. The world is not a liberal place, and a world run on democratic lines would not be a liberal one.

Other scholars have offered a different route. It is that Americans must stop thinking of the Constitution as the primary source of political authority. The views of the rest of the world, as embodied in human rights treaties and foreign constitutions, must serve as a constraint on American power. In its grandest formulation, this view has been called "world constitutionalism." This idea may have influenced some justices on the Supreme Court, who have taken baby steps toward recognizing the influence of foreign and international law on the development of American law. But the most significant of these cases—in which the Court struck down the death penalty for people who committed crimes as juveniles and for mentally retarded people, and cited foreign legal materials that repudiated these practices—ignited a political firestorm in this country, suggesting that this approach to constraining American power has as little appeal to Americans as world government does.

So the problem addressed in the Insular Cases never really went away. It is a testament to the primacy of the Constitution in American political discourse today that charges of imperialism, which could be taken seriously in 1898 and 1900, are simply not recognized—not in American public discussion and not in sophisticated books that purport to address the topic, such as Raustiala's book. Instead the debate takes place entirely within the constitutional framework. This is illustrated by Raustiala's curiously anodyne depiction of the controversy over the constitutionality of the Guantánamo Bay detention center—what foreigners have called a "gulag" and a "lawless zone."

Well aware of the constitutional ambiguities, Raustiala concludes that both the Bush administration and its critics have good arguments, and he refrains from taking sides. Guantánamo Bay presented a hard case, because it fell between the two pertinent legal categories—American territory and foreign territory. Under the lease with Cuba, Cuba retained "sovereignty," but in practice the United States exerted control. Courts had traditionally deferred to the political branches' decision to designate territory outside the mainland as subject to American sovereignty or not. Judges feared that a test based on effective control could end up extending the judicial writ to every base, battlefield, and building where the American government had control, everywhere in the world. The opinion in *Boumediene* ended up emphasizing the proximity of Guantánamo Bay to the mainland and hence the undemanding logistics of regulating it, leaving to another day the question of whether detainees elsewhere in the world have habeas rights but suggesting that they do not.

Raustiala concludes that because Americans have in recent years come to see the Constitution as a "far-reaching document whose roving powers can rein in almost any malfeasance," they are alarmed by the proposition that "the Constitution does not apply as long as the executive is careful to act only in particular offshore places." Perhaps. If he is right, then the remedy is apparently judicial supervision of foreign policy operations long thought to lie within the discretion of the political branches—though there is still no indication that courts will try to regulate trade, diplomacy, war-making, and the other activities that really matter for millions of people living outside the United States. The irony escapes Raustiala. Constraining executive power is not the same as constraining American power. The American imperial project will continue its voyage into the heart of darkness, only now with American judges on board, their robes flapping in the breeze. For a world as weary of American litigation practices as of American foreign policy adventures, this hardly counts as progress. ◆

ANTHONY RUSSO

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Sophia Lear

THE FOUR SEASONS

THE RAGS OF TIME
By Maureen Howard
(Viking, 238 pp., $26.95)

If we are moved to tears by B movies instead of operas, have we missed anything? The question nags Maureen Howard in the first installment of her great sequence-novel in four parts, of which *The Rags of Time* is the last, because in her universe the point of ambitious art—which her series is—is not at all a given. One character settles into an old age of embroidery and television, another takes *Moby-Dick* out of the library. About the artistic supremacy of the latter there can be no doubt, but what about the value of the lives that include the one and not the other? In the first novel of Howard's series, *A Lover's Almanac*, a pubescent girl gorges on opera, a precocious, tearful vigil by the radio, until she discovers "a notorious bad boy with a Bogart lisp," and then the movies: "I found that the matinees . . . is what I yearned for, a projection of my lust seen exactly in dark mirrors, brooding shadows." It is the "exactly" that bothers Howard, and it pinpoints for her the appealing trait, the crucial flaw, of bad art: we see a reflection of ourselves within it too easily.

Louise Moffett, an artist in her mid-thirties whose story opens the first novel and then weaves throughout the series, flips through a self-help book and "in shame she finds herself on every page, so rampant is the disease of . . . what to call it? Emptiness, the human predicament so general anyone might discover their nature, their need." Real art does not heighten the familiar, but disorients it. Thus, in the second novel, an old woman named Bel Murphy reads *Moby-Dick*, and "at times a passage was so odd she lay the book aside, looked out at an even tempered bay shimmering in cold sunlight, Bel Murphy cast away in the comforts of the living room, clinging for dear life to the worn arm of her chair." The stakes, for Howard, in reading and in living, are still that high.

Many novelists today are bold and noisy in language, voice, or plot, but without a thought as to how to defend the necessity of the novel itself—the means of connecting form and feeling to grand effect, once literature's bread and butter, now a maddening puzzle. Maureen Howard is the opposite: stringent, subtle, unsure, ironic, acutely reflective about means as well as ends, and yet stunningly determined to take on the mantle of tradition and press forward toward the large questions in both old and new ways. In an article in 1982 on why she writes, Howard explained the challenge: "there is the ghost of modernism, which hovers over every serious writer, the now faint voice of Pound exhorting us to 'make it new.' It's a dangerous act, a tightrope for the novelist. There is either the safety net below of dull, old-fashioned narrative or a race across the wire in a bravura display to the stale avant-garde." Howard's solution is to get off the high wire and out of the circus ring, the four novels loosely connected to the seasons, one for each, and inspired in form by the Farmer's Almanac, that folksy amalgam of fact and fiction. The series is a beautifully integrated whole, to the extent that it is hard to grasp any of the individual books in isolation.

A Lover's Almanac, published in 1998, starts on the morning of the millennium in New York. We meet Louise Moffett, an artist, estranged from her boyfriend (later, husband) Artie Freeman, a mathematician, in the wake of a disastrous New Year's Eve party. The story then spirals out to the lives of a large cast of characters connected by love or blood or circumstance to these two, spanning back four generations, interspersed with quotations, images, and vignettes of historical figures. *Big as Life*, the second installment, published in 2001, is three novellas, the stories of a young female American history professor, then Artie's maternal grandmother as a young girl, then Audubon's life as an artist, hunting and painting birds. *The Silver Screen*, the third novel, published in 2004, centers on Bel Murphy, Artie's paternal grandmother whom he never knows, a former silent-film star now old.

The abrupt jumps in time and space—from, say, Artie's grandfather Cyril reading *Notes on the State of Virginia* in his New York apartment to two paragraphs of Jefferson bemoaning the loss of his library in a fire—are never jarring, for the mind that is most present to the reader is always Howard's own. "Time bends," Howard writes, several times, in *The Rags of Time*, and the experience of her novels, as they leap about time and space, is an accumulation of moments, all in the present, upon which the unrecoverable past weighs heavily. The effect is similar to what Faulkner once wrote of his own work: "Time is a fluid condition which has no existence except in the momentary avatars of individual people. There is no such thing as *was*—only *is*. If *was* existed, there would be no grief or sorrow." That is, though her series is set in the present—from the millennium to 2010—for Howard the past is not a "flashback," it is a present moment that is not our own.

Howard herself appeared here and there in the first three novels, but *The Rags of Time*—the fall season, with its decay and looming death—centers fully on the character called MH, an old female novelist who lives on the Upper West Side, working on what she believes will be her last novel, with the characters we by now know well in supporting roles. MH is confined by a weak heart to her cluttered work room, deciding with her husband what to make for dinner, and to small ventures into Central Park, though even these worry her spouse; but if her physical range has narrowed, her spiritual range has not. In this final book she pulls back the curtain on the entirety of her life as a writer. Much of *The Rags of Time* is addressed to her husband, to whom she tries to justify her life as an artist as that life nears its end. (This is mirrored by sections in which Artie writes a letter to Louise that attempts to explain his failure as a mathematician.) *The Rags of Time* casts a shadow back on its three predecessors, and reveals that the real subject of the whole series has been the artistic endeavor itself. This extraordinary book is a last reckoning, a reflection on the success—or, just as possibly for Howard, the failure—of a gamble already made.

In Howard's series there are the stories of an artist, a mathematician, an art photographer, a historian, a silent-film star, among others. Like Howard, these characters wonder about their chosen means of interpreting the world, these tools that at their height can make particular observation endure as universal truth. In the second novel, Louise Moffett—if not a proxy for Howard, then a kin—starts working on a sculpture of an owl, when her son's babysitter "says it's like, you know, the one in a story, which book she's forgotten. Yes, the owl is . . . charming as an illustration in a child's book. Louise smashes the bird into a mass of wet clay." The missing figure is

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of course the novelist, who is Howard, and her characters are a dare to her own form of interpreting the world: what can the novel explain about life that these other forms cannot?

Howard has been writing acclaimed novels since the 1960s, but has never quite caught on as the literary treasure that she is. A critic in 2001 wondered why Howard is not cherished more. The answer is obvious: she offers no escapes and is devilishly subtle. To begin with, Howard refuses the very aspects of the novel that readers have long cherished most. We cannot nestle in the comforting coherence of a story: for Howard, stories are too happenstance for that. In *Big as Life*, Howard writes of Audubon meeting his wife: "History placed Audubon and Lucy across a valley from each other in Pennsylvania, but that is a love story in which a girl with serious green eyes looks up from her sewing." Nor, in Howard's universe, is there such a thing as an inevitable or universal plot: "It is merely history of the personal sort that in a moment of grave indecision he gave up both his passions." Nor are her characters set on a moral scale. No one here is good or evil; everyone is interesting and maybe lovable, but only circumstantially, in that they are just getting by. For these reasons Howard can sound unsentimental, even cold. But we are looking for warmth in the wrong place: her deep humanity emerges slowly but unmistakably, in the interstices of her tale.

With the ascendancy of film and photography, the novel must aspire to more than to render only the visible. In *A Lover's Almanac*, Howard quotes Antonioni: "the sort of film I have always wanted to make and have never been able to, a mechanism not of facts but of moments that recount the hidden tensions of those facts, as blossoms reveal the tension of a tree." Howard seems to suggest that the great director failed because this is the novelist's, not the filmmaker's, purview. In *The Rags of Time*, Howard explicates how she makes writing tolerable for herself, that is, honest: MH picks up one of her previous novels, the acclaimed *Liebestraum*, but cannot now bear what she calls her "fraudulent war novel," a World War II love story between an American captain and a German soprano. Later she gets out of bed in the middle of the night and rewrites a few paragraphs. The autumnal work of self-revision has begun.

In MH's early novel, a boy lies dying in the mud, "shattered hand to his throat where the dog tag covers his Star of David. Against regulations.... He had lied himself into the army by a half year he never lived." The captain finds the boy's body—"near impossible," MH notes caustically from the sidelines—and sends his ID chain back to the boy's father. The captain himself sustains only superficial wounds—just enough for the desk job that the plot requires, so that the curtain may then rise on a beautiful Wagnerian soprano. The power of the book, which was quickly optioned for Hollywood, is in its contrived and melodramatic plot—the half-year lost, the battlefield death, the romance across enemy lines.

But now, sitting in the lamplight with a yellow legal pad, MH sinks the action beneath the surface. The captain is an old man. He sits at night in the basement playroom of his suburban house, his grown son asleep upstairs. He puts *Das Rheingold* on the record player, as he has for years, listens to the maidens laughing, over and over, sure that he can hear the voice of his old lover. He remembers his seat in the second tier of the opera house and finding the right record on a business trip to New York. He remembers his wife, now dead, who witnessed this commemorative ritual, again and again, and never thought twice about its meaning: "When matters cultural were on the table ... she confessed her addiction to museums, reported with an indulgent smile, 'My husband is devoted to Wagner, from his student days, you know.' Apparently she found his emotion reasonable, never questioned why only *Das Rheingold* in the playroom." The wife who never got it, the son upstairs who will never know his father as a young man: Howard has switched from the device of an event to the device of the interpretation of an event. The experience of memory, the activity in a still moment—this is where film falters and Howard thrives.

The series is filled with words that are insufficient, misunderstood, left unsaid, lost, truly unspeakable. Artie, in *A Lover's Almanac*, desperate to get back in Louise's good graces, races to his computer, sure that he has the necessary lines: "*My Dearest Louise, If you can find it in your heart* ... And again, *Dear One, I do not know who I am* ... And yet again, *I'm a bastard, Lou, no kidding*. Words ... fail him." But he is a mathematician, so he draws a Venn diagram instead. Artie's grandfather, Cyril, as a young man just back from war, tells his fiancée that "he did not know what he was going to do. Mae took it to mean what he would work at. He had meant what he was going to do with the rest of his life." And so a passionless marriage begins. Sylvie—Cyril's end-of-life love—was raped by a soldier as a girl in Austria, and "it is the work of her life to suppress the scream ... not to repeat the humiliating words, never to tell the end of the story." Cyril, as an old man, writes a letter to Artie, the grandson he raised, not noticing, in his near-blindness, that he is writing over pages already written, sometimes off the page entirely.

Howard's characters, too, constantly rely on roles. In banal conversation, as when Sylvie listens to her fellow passenger on a plane, "pert with an encouraging smile, yes, the fairy godmother with a halo of white hair." In life, as a young woman, a recent immigrant to New York from Austria, Sylvie tries to adjust, "one scene to another, one life to another, a matter of speaking your part, surviving a role, let's say of little princess of the Villa, of bookish Cinderella, of Shabbas Goy switching on the electric lights." Even in posterity, as Cyril, reading Benjamin Franklin's *Autobiography*, finds that Franklin has fashioned in it a "Young Ben with three Puffy Rolls under his arm walking up from the docks in Philadelphia." Of course, the role is a sham and a crutch, and Howard sidesteps this flattening by presenting the histories of the navigations, the various roles her characters alternately embrace, fail to live up to, cope with, discard, outgrow. In *A Lover's Almanac*, Mae Boyle—to her husband, Cyril, and her grandson, Artie—is the dutiful and bland caretaker. Artie looks at her apartment and "is sorry for her beige wall-to-wall,

Net

I want to go back to the way I lived before—
when I turned and I'd be turning to a wall of books-
as-mirror, not entering a note-shack,
wanteds, want-yous, for-sale lists, lists of
meetings in space, which is nowhere,
a time when I had a pine floor to wander
when I stood in boredom
and boredom was good, a cool drink
I took in so I could return to work
refreshed, no hope, just the secret
negotiations with hope taking place, all those
spines, dust motes, real knots in real wood.

LIA PURPURA

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for the bland fare of his grandmother's table … Harmless Mae, her touch of the ordinary on everything." Not until the next novel do we see Mae as a young girl building wild altars to the Virgin Mary, lopping off the heads of her family in a newspaper society photo, fleeting moments of excess before she settles into a life that only aims to please.

Scale is a tool of art—Louise Moffett's first successful paintings are tissue-level close ups of leaves, the whole tree painted in a tiny insert—and Howard neatly captures our own predilection for sizing, as a means of making the past manageable. Artie's mother, Fiona, a flower child, died when he was a young boy: how to resist the impulse to make her "a comfortable rebel in a theatrical revolution given its few pages in Wonderlust connecting drugs, rock 'n' roll, *2001: A Space Odyssey*"? Or, for our larger historical figures, such as Audubon, how happily we trade the idea of an actual life lived for the requisite documentary grandiosity, quiet score of birds chirping, intoning voice-over. The title of Howard's spring novel, *Big as Life*, is a reference to Audubon's life-sized depictions of the birds of America, and the challenge she faces: what is the scale for a life not passed but in the midst of passing? Howard succeeds, again, merely by rendering myriad individual relationships to scale, with its appeal and its artifice: when Franklin was crowned with laurel in Paris, Howard wonders if at the time he carried "the Quakerish hat to make a point when it is replaced by the herbal tribute intended for emperors and gods?" From the inside, the scale of life fluctuates: when the rain leaks through the roof during a storm, Louise and Artie mistake incident for disaster; Cyril watches an eclipse with a small group gathered on a hill, and later writes to Artie, "Being one with the universe during the eclipse, I suppose we were less than a pebble in the drive, more than a vaporous breath in the cold air."

The Rags of Time is in large part a study of Central Park and its history. MH feels an affinity with Frederick Law Olmsted, the park's great designer, and in the last few pages of the novel she writes, addressing her husband, "You see, you must see, this was not an escapist journey.… What struck me when I found a place to rest, was the reality of the landscapers' contrivance, not the contrivance of reality." Often we do not register such contrivances: we see the man-made as untouched by human hands, as tourists do at the Reservoir as MH walks by, or the man who sits by his ornamental pond, a structure of cement, but "natural, by design so natural." What strikes Howard about the park, and what strikes us about her novels, is not the artist's manipulations, but the reality that these manipulations are at the heart of the experience of being human.

The reality of the contrivance: it is a fine and deeply moving thought. Howard brings it wrenchingly to life in the final paragraphs of *Big as Life*. The section is called "Myself," and Howard writes it for her nephew and granddaughter.

> If they will come with me to the stacks and look at the volumes of *Birds of America* which are still there in the dust, still beautiful though damaged … if they will patiently turn the pages they will see that Audubon's drawings will never be surpassed by the digital camera, because it's art, I will say, somewhat flustered.…
>
> I will never forget my first view of the big birds. I was moved to tears. Let them laugh, I will say it—tears: I had been so long denied this pleasure. It was an exhibit, you see, of the hand-colored plates from LaForest's original elephant portfolio—the turkey in his American splendor, the eagle poised on his rock for the kill.… The trumpeter swan must swivel and dip its head, the pelican squat to fit the page, but they are exact—that is, big as life, exactly as the artist knew they must be.
>
> Sitting now at the library table with the children, we will only have our three books with the small illustrations which Audubon's son … reduced to normal page size, thus making *Birds of America* affordable and an instant best-seller. He had a head for business, but you—you must never be a trimmer.…
>
> We will close the books, send them back to the dark. Then we will go home and, with our sharp pencils, crayons and Magic Markers, begin to draw.
>
> Today in the Berkshires: This morning a chipping sparrow walked across the lawn with me. We went a fair way together and I began to wonder whether he would fly off to his life. Midday a wild turkey strutted out of our woods with her chicks, gobbling as though the place was hers. Imagine that.

What precedes the last two words is strong enough: the case for guiding the young toward the intuition of art; the deadening effect of business on art; the darkness in which a book sits until we call for it, and to which we return it; the magic marker drawings that will go on the fridge and then into the trash. But the real punch is the final sentence—Howard's challenge to the imagination. We are enjoined to learn to imagine nothing more than the witness of a particular moment at a particular time that actually happened. The commonplace is both transfigured and untransfigured. There is no Proustian mysticism here; but still how extraordinary it is that we, unlike the birds, should need such a thing to add up to so much. The impact is similar to that which Louise's art dealer feels while looking at her latest work, her lover's head atop a Zodiac man. He dismisses it at first, and then: "*Portrait of a Youth*, Giorgione. Dealer is reminded of that young man looking out at the world with a self-incriminating smirk—we are all of us in it, are we not?" This leads to a reverie about a boy he once loved who left him sitting alone in a banquette in Paris. Yes, we are all of us in it.

George Eliot, not long before the art of narrative began to buckle under the strain of modernity, made a strikingly similar case for "the reality of the contrivance," in a famous passage in *Middlemarch*: "If we had a keen vision and feeling for all ordinary human life, it would be like hearing the grass grow and the squirrel's heart beat, and we should die of that roar which lies on the other side of silence. As it is, the quickest of us walk about well wadded with stupidity." So there are two actualities: silence, the non-living, on one side, and the chaotic roar of life on the other. Taking a stand between the two—organizing, editing, interpreting the chaos—may be inconclusive, but it is a human necessity. What separates us from Howard and her art of perception is that we do not do a very good job, "well wadded with stupidity" as we are, while she, the novelist, must try to stand clear-eyed in the middle. Howard demands patience and diligence from her reader, but she demands a thousandfold more from herself. ◆

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Washington Diarist

Philanthrogovernment

On a cold morning last winter, *The New York Times* published a warming story about the rage for charter schools among hedge-fund managers. It appeared in "Sunday Styles," and was a fine glimpse into the current fashion of "social entrepreneurship" and "philanthrocapitalism." About the intentions of the rich young lions who donated large sums of money to schools in the most desperate parts of the city, there can be no doubt: these were good deeds. Children were lifted up, which is nothing to be churlish about. But as I read on, I felt uneasy. For a start, their interest in hot and heterodox methods in education sounded alarmingly like their interest in hot and heterodox methods in finance: "They aren't afraid of competition or upsetting the system," said a former member of the New York City Council who was hired—for $371,000 a year—to run one of the charter operations. "They thrive on that." We know, we know. Also, the charter schools' reliance on scores and metrics for standards of progress excited them: they had found God's spreadsheets. And of course they thought big. One of them confessed that "helping the world one person at a time just isn't for me." The ancient rabbis taught that if you save a human being, it is as if you save the world, which I have always taken as a lesson not only in humanism—that the individual is absolutely significant—but also in meliorism—that the world will be saved slowly, a soul at a time. School teachers know this. Impatience is the reformer's worst vice. But what irked me most was the usurpation of the moral prestige of the public sector by the social prestige of the private sector. Whatever they call it, this is charity; and one of the most effective methods for the delegitimation of government in our day has been the notion that charity may do the work of public policy, that private wealth is the answer to social crisis.

To put it another way, the story of the chic charterists was a study in Bloombergism. "Private money can help solve even the most difficult public problems," Michael Bloomberg declared in a blurb for *Philanthrocapitalism: How the Rich Can Save the World*, a book by Matthew Bishop and Michael Green that appeared in 2008 and is one of the primary anthropological documents of our era. "There are limitations to what the state can do," they write, and so it is "no wonder governments, of both right and left, seem increasingly keen for wealthy individuals to give them a helping hand." (They forebodingly add that "if the rich do not take on this responsibility, they risk provoking the public into a political backlash against the economic system that allowed them to become so wealthy.") It follows, as they write later in their *billet-doux* to billionaires, that "a growing number of philanthrocapitalists are realizing that one of the most effective ways to leverage their money to change the world is to use it to shape how political power is exercised." Enter Bloomberg. It was Bill Clinton, of course, who pioneered the super-valorization of the super-rich, in the Clinton Global Initiative, coming terribly close to a liberal version of the conservative doctrine that wealth is a mark of virtue (and writing the foreword to *Philanthrocapitalism*); but Bloomberg is its hero. A few weeks ago the *Times* reported that Bloomberg's first deputy mayor will now serve simultaneously as the chairwoman and chief executive of Bloomberg's foundation. Bloomberg's political use of anonymous charitable gifts through the Carnegie Corporation has been amply documented. This is not philanthrocapitalism. It is philanthrogovernment. If you feel any dissonance or discomfort about it, have yourself immediately examined for socialism. Is it plutocracy when a city is ruled by its richest man? Not if he came to power democratically, of course. But let us not be idiots: Bloomberg was elected semi-democratically. In 2001, he spent $74 million; in 2005, $85 million; in 2009, $102 million—$261 million in all. Even if he is doing a pretty enlightened job, he bought it. Moreover, he shabbily circumvented the term-limits law (which was what made the mayoralty available to him in the first place) by breakfasting with another billionaire and oligarchically obtaining an exemption from him. And now, in the battle over financial regulatory reform, he is defending the interest of Wall Street, and his own interest, against the interest of America, and pretending it is the interest of New York. If he were in Iowa he would be defending ethanol, no doubt as the ethanol king.

The signature contribution of the philanthrocapitalist to the American political tradition is the idea that social problems have market solutions. In the midst of our present troubles, however, there is much evidence to justify a new look at the grip of American business upon the American policy imagination. Isn't it now ruefully clear that it all depends? In her exhilarating and deeply humane new book, *The Death and Life of the Great American School System*, Diane Ravitch exposes some of the fallacies of the business paradigm, and insists (in a valiant chapter called "The Billionaire Boys' Club") that "there is something fundamentally antidemocratic about relinquishing control of the public education policy agenda to private foundations run by society's wealthiest people," who "represent an unusually powerful force that is beyond the reach of democratic institutions." To whom, really, are they accountable? Right now there is no more pressing task for the renovation of our sense of our society than the critical examination of our attitude toward the very rich and the nature of their influence upon our public life. Our gratitude should be endless, but our worship has got to end. There is "an understandable prejudice that the rich are fundamentally self-interested and therefore not to be trusted with political influence," Bishop and Green proclaimed in 2008. "But in the age of philanthrocapitalism, a more positive view of the engagement of the rich and their foundations in politics may be needed." Not anymore. Billionaires can also be dumb and dangerous. The merit of an opinion or a policy has nothing to do with the social and economic position of the person who espouses it. Money never made anything true or good. The question of what sort of city New York should be is not the question of what Michael Bloomberg should do with his money. Charity is a blessing, but not when it is an expression of disdain for the democratically constituted state, which, for all its errors and exasperations, is still what protects us from many of history's and nature's punishments.

Leon Wieseltier

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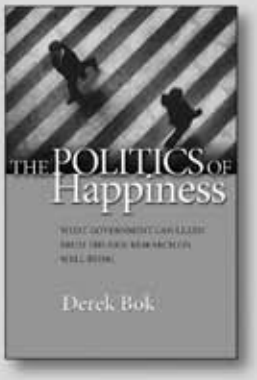

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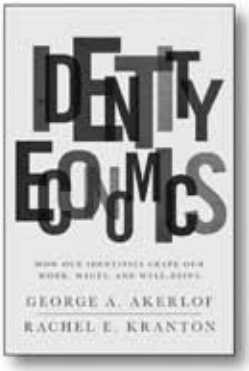

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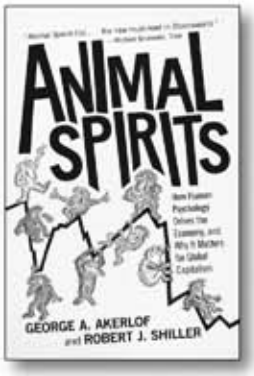

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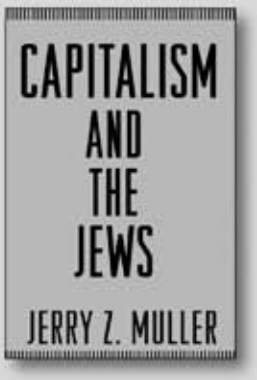

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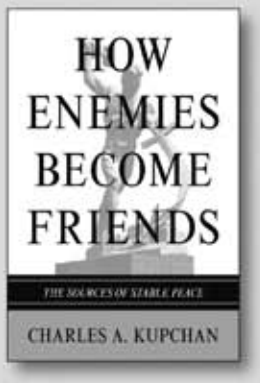

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